

## SEVENTY-FOURTH DAY

(Monday, May 19, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

|                  |                  |
|------------------|------------------|
| Mr. Speaker      | Halsey           |
| Allison          | Hanna            |
| Alsup            | Hardeman         |
| Anderson         | Hargis           |
| Avant            | Harris of Dallas |
| Bailey           | Harris of Hill   |
| Baker            | Hartzog          |
| Benton           | Heflin           |
| Blankenship      | Helpinstill      |
| Boone            | Henderson        |
| Brawner          | Hileman          |
| Bray             | Hobbs            |
| Bridgers         | Howard           |
| Brown            | Howington        |
| Bruhi            | Hoyo             |
| Bullock          | Huddleston       |
| Bundy            | Huffman          |
| Burkett          | Hughes           |
| Burnaman         | Humphrey         |
| Carlton          | Hutchinson       |
| Carrington       | Isaacks          |
| Cato             | Jones            |
| Celaya           | Kelly            |
| Chambers         | Kennedy          |
| Clark            | Kinard           |
| Cleveland        | King             |
| Coker            | Klingeman        |
| Colson, Mrs.     | Knight           |
| Connelly         | Lansberry        |
| Craig            | Lehman           |
| Crossley         | Leyendecker      |
| Crosthwait       | Little           |
| Daniel           | Lock             |
| Davis            | Love             |
| Deen             | Lowry            |
| Dickson of Nolan | Lucas            |
| Donald           | Lyle             |
| Dove             | McAlister        |
| Duckett          | McCann           |
| Dwyer            | McDonald         |
| Ellis            | McGlasson        |
| Eubank           | McLellan         |
| Favors           | McMurry          |
| Ferguson         | McNamara         |
| Files            | Manford          |
| Fitzgerald       | Manning          |
| Fuchs            | Markle           |
| Gandy            | Martin           |
| Garland          | Matthews         |
| Gilmer           | Montgomery       |
| Goodman          | Moore            |

|                |                  |
|----------------|------------------|
| Morgan         | Sharpe           |
| Morris         | Shell            |
| Morse          | Simpson          |
| Murray         | Skiles           |
| Nicholson      | Smith of Bastrop |
| Pace           | Spacek           |
| Parker         | Spangler         |
| Pevehouse      | Stanford         |
| Phillips       | Stinson          |
| Price          | Stubbs           |
| Rampy          | Turner           |
| Reed of Bowie  | Vale             |
| Reed of Dallas | Voigt            |
| Ridgeway       | Walters          |
| Rhodes         | Wattner          |
| Roark          | Weatherford      |
| Roberts        | White            |
| Sallas         | Whitesides       |
| Senterfitt     |                  |

Absent

Bean

Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Taylor            |
| Evans            | Thornton          |
| Kersey           | Winfree           |

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, we know that Thou dost use men to work out Thy purposes in the world, and Thy purposes are just and righteous altogether. Wilt Thou show the path of wisdom to our government, to our President and his aides, in this time in which more than mere human judgment is so much needed. And wilt Thou guide us, in our thinking and in our acts, through these remaining days. For Christ's sake. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Mills for today, on motion of Mr. Brawner.

Mr. Allen for today, on motion of Mr. Crosthwait.

Mr. Evans for today, on motion of Mr. Benton.

Mr. Dickson of Bexar, for today, on motion of Mr. Hoyo.

Mr. Taylor for today, on account of military service, on motion of Mr. McAlister.

Mr. Anderson and Mr. Dwyer for this afternoon, on motion of Mr. Nicholson.

The following Members were granted leaves of absence on account of illness:

Mr. Smith of Atascosa, for today, on account of death of a friend, on motion of Mr. Kinard.

Mr. Thornton for today, on motion of Mr. Klingeman.

**ADDRESS BY ARCHBISHOP  
ROBERT E. LUCEY**

Before Joint Session of Senate and  
House of Representatives,  
April 29, 1941

On motion of Mr. Fuchs the following address was ordered printed in the Journal:

Mr. President of the Senate, Speaker of the House, Members of Senate and House and Friends:

May I take this opportunity of expressing my very sincere appreciation for the courtesy extended to me by the distinguished members of the Senate and House in conveying to me an invitation to be present at a special meeting this morning and granting me the privilege of addressing you. I can assure you that this kindness on your part will not soon be forgotten. In an impersonal and broader way, however, I would like to believe that the members of the Texas Legislature, in a spirit of friendliness, have extended this courtesy to the whole field of religion, and if at any time in the history of our great country—I will say that if at any time in the history of Christianity—it were necessary that church and state labor together for common purpose in a spirit of friendliness and good will, that day is here and now.

It is commonplace to say that subversive influences have thrown off the restraint of religion and are now trying to undermine the foundation of the way of life we prize most dearly. Since the church has made such a contribution to our government, it seems to me commonplace

to say that the church and state, for their own preservation and for the welfare of all the people, should work together in a cordial spirit of friendship and cooperation. I feel the church, and the general field of religion, has much to contribute to government. I will go so far as to say that in the field of religious doctrine we find the very reasons for existence of government and finest explanation of the power and purposes of government. If you ask me how this is true, I can say that, so far as the reasons for the existence of government are concerned, we analyze man as a creature of God, a social being. He cannot achieve the richness and fullness of life if he lives alone. He needs care in infancy; education in adolescent years. He needs medical attention, food, housing, etc. All this is so by the very nature of man, and because God creates him that way, it follows that he must have government. Without God there would be no government.

In the field of religion we say that God created man as a social being. Therefore, government functions by the will of God. If anyone asks me the interpretation of religion in governmental powers and purposes, here again the church is the explanation of government power. St. Paul said . . . "There is no power but from God," and therefore, if legislators have any power at all, it must come from God for there is no power excepting God. In the field of religion we depict the power reaching down to children on this earth. From the other hand comes power to the state—power to guide men, guard them, and help them in all that has to do with their welfare. Sovereignty resides in the people, but in our state of government, we transfer this God-given power to certain men, called legislators, and it belongs to them. In passing laws they are exercising divine power. It is a much higher ideal and concept than you can find in any other field of human relation.

The purpose of existence, as representatives of the state, is explained from an analysis of the doctrines of the church. In religion we analyze origin, nature and destiny of men. The origin of man is from and of

God. No gadget can give human souls. . . . Nature is sublime; from the soul of God. Because of soul, He is finer than any creature on earth . . . . Destiny is again a sublime purpose. To live here as a pilgrim walking along the way of life . . . in order that all of us may enjoy immortality.

**Purpose of government**—We find that purpose is something very holy and very fine because man is a creature full of supreme dignity.

**Value of philosophy of life**—protects citizens from government and government from citizens. In religious explanation of philosophy—the citizen must respect and obey the just decrees of government. Laws are not made by legislators under their own power but under the power of God. It is true you can still pass laws without assistance of God and without philosophy of religion. But these laws are passed by force and obeyed only because of police power, which state makes mockery of democracy.

**Principal contributions of religion** . . . . God created us and our government in such a way we must bow down to our government because power is from God himself, transferred to the people. In this way we protect government, but in this philosophy we protect citizens as well because we teach there are certain inalienable rights innate in the soul and nature of man. Your power to legislate is from God . . . . Liberties of citizens are from God because of the destiny he has to achieve and prizes most dearly. Only when the citizen is free can he achieve the destiny that God has given to him. Government must respect destiny of the citizen and his rights existing under that destiny. You see value of this religion in government. We protect the government from the citizen and the citizen from the government. Religion is the bulwark against despotism of the state and against anarchy by the citizens.

**Obligations of legislators** are in direct proportion to the power bestowed upon them. Your power as legislators of the great state of Texas is without restraint. No chancellor nor prime minister, no fuehrer nor duce tells you when and how to vote. You are free. The first measure,

therefore, of your obligation is your power. You are free to vote for the welfare of all the people, according as God sees you and allows you to see. Another source of obligation is needs of all people. It isn't necessary to say that legislators must take care of all the people—not only a few but of all the people—so far as human rights are concerned. The day has come when we are making a mockery of democracy if we do not protect the people.

**Political rights** . . . . Legislators must respect citizens' rights. There are some states that do not grant actually and in practice full franchise to all the people. There are those who have no voice in government. They are not able to meet the test of a poll tax which would allow them to vote. Hazards to democracy are in those who have no voice in government, and who are a slave to those in the city halls, court houses, etc.,—who are just ordered around. Let us form a type of government here in which all men shall be free. Let us not give the forces of subversive activities so much to talk about. There are hazards in some of these people whom because of religious discrimination, we do not treat as the rest. Fascism and Nazism are going into South America saying there is no democracy in America, and making mockery of democracy. There are other rights besides protective right.

I shall not speak of religious rights because we citizens of America have, without restraint, the freedom to worship God as every man sees fit.

**Economic rights** deserve consideration in any discussion. A great deal of progress has been made in recent years in the matter of securing rights of the poor and underprivileged. Much progress has been made under this present democratic administration in Washington, such as was never seen in our country before. My sincere belief is that Franklin D. Roosevelt shall go down in history as one of the greatest leaders this world has ever known. It wasn't popular for him to seek out forgotten men and help them; it wasn't popular to place taxes on people . . . . He is a man with steel in his backbone and believes in the

things that are right and has the moral courage to do them. He gave us the Wagner Act. Most people believe this Act gives right to laboring people to organize. Nothing is further from the truth. Since time began, a citizen has had the right to form any organization he chooses. The right to organize is in and of God himself and not given in Washington. The Act did do something—it gave legal recognition to rights not being recognized in certain places. Looking over this great group of forgotten masses, they saw some wages too low and some hours too long. The Wage-Hour Law was passed under Franklin D. Roosevelt. Because we live in a semi-barbaric economic world, legislators had to step in and protect them from economic royalists. We look forward to the time when men and women in this country will, through organization, settle in a friendly manner with their employers these things that have to do with life itself.

The present administration gave us the Social Security Law and various relief agencies—WPA Relief Commission, etc.—to take the youth of America off of box cars to help themselves and society. These agencies are also necessary in the states. If that sort of thing is necessary in interstate activities, it is necessary in intra-state as well. It is the duty of the state to recognize the God-given right of bread-winners to organize. It is necessary for every state to care for aged, blind and children, with the help of the Federal Government. It is necessary, and here in our state it is particularly necessary, that we convey to the Federal Government the great favor of accepting \$50,000,000 a year from the Federal Government through WPA. It has for the last two years spent this amount, and will continue to spend the same amount if Texas will gather together \$1,000,000 . . . in order to get \$50,000,000 . . . to certify good citizens in order that we may get a job at the WPA . . . take responsibility for telling Federal officials who is worthy. I believe anybody can see the wisdom of that.

Democracy is liberty with groceries. Groceries without liberty is Nazi Germany. Liberty without gro-

ceries makes democracy a mockery. The purpose of government in our republic is to make government effective among unequal people . . . The Declaration of Independence says "All men are created equal." . . . They are not equal in mentality, health, wealth, opportunities, etc. In a word the great problem of government today is to make democracy work. I need not tell you that unless we succeed among the unequal, we shall pay the price. Give people of this great state not only liberty but a chance to labor and a chance to live.

#### COMMUNICATIONS

The Speaker laid before the House and had read the following communication:

Hon. George Howard, House of Representatives, Austin, Texas

My Dear Friend—It was with profound appreciation that we received the impressive copy of Resolution H. S. R. Number 248 which you introduced before the House of Representatives honoring Mr. Wharton so signally. We are deeply touched by the sympathy extended to us in this gracious act.

Sincerely,

Adele Spoons Wharton.

2204 Baldwin St.,  
Houston, Texas.  
May 15th 1941.

#### COMMUNICATION FROM SOCIAL SECURITY LEAGUE OF TEXAS

On motion of Mr. Crosthwait, the following communication was ordered printed in the Journal:

Whereas, The 47th Legislature, both the House and the Senate, pledged and elected by the people of Texas to pass at their regular session, assembling in January, 1941, a revenue to raise sufficient funds to pay old age assistance, teachers' retirement, aid to the adult blind, and dependent children; and,

Whereas, The same Legislature was elected and pledged against the sales tax; and

Whereas, Said Legislature has ful-

filled all these promises, liberally if not adequately; and,

Whereas, Both the Senate and the House have memorialized the National Congress at Washington to assume all responsibility for the creation and administration of an adequate old age pension system, uniform throughout the Nation, justly construed and fairly applied; Therefore,

Be It Resolved by the Social Security League of Texas, assembled in regular session May 3, 1941, vote our sincere congratulations and thanks to the membership of the 47th Legislature for the very liberal manner in which they have worked for the fulfillment of all these named promises, not only to the aged, the teachers, the adult blind and dependent children, but to the people of Texas;

Be it further resolved, That the Social Security League hold at an early date a general celebration of the social achievements made by this Legislature, and that it is the sincere wishes of the League membership to have as their guests all members of the 47th Legislature who may find it possible to attend this celebration.

Unanimously endorsed by the Social Security League of Texas in regular session, at their place of meeting in Judge Henry King's Courtroom, May 3, 1941.

CLAY BROOKS,

Secretary.

#### SPECIAL COMMITTEE APPOINTED

The Speaker announced the appointment of the following committee pursuant to House Simple Resolution No. 272, by Mr. Kinard, to provide for the appointment of certain committee to make investigation in regard to soldiers employed in State Departments: Messrs. Rhodes, chairman; Benton and Brawner.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 312

Mr. Celaya submitted the following Conference Committee report on Senate Bill No. 312:

Austin, Texas, May 5, 1941.

Honorable Homer Leonard, Speaker  
of the House of Representatives;

Honorable Coke Stevenson, President  
of the Senate.

Sirs: We, your Conference Committee, appointed to adjust the differences of Senate Bill No. 312, have adjusted the differences and recommend the passage of the attached bill.

KELLEY,  
WINFIELD,  
FORMBY,  
BROWNLEE,  
STONE.

On the part of the Senate.

CELAYA,  
BENTON,  
SMITH of Bastrop,  
HALSEY,  
MILLS.

On the part of the House.

By Senator Kelley:

S. B. No. 312,

#### A BILL

#### To Be Entitled

An Act authorizing the Commissioners' Court in counties not embraced in a regularly constituted District Attorney's District or Criminal District Attorney's District and wherein the State of Texas is represented in all criminal matters arising in such county by a County Attorney to designate such office as the office of Criminal District Attorney of such County and to designate the incumbent thereof as the Criminal District Attorney of such County without in any wise affecting the duties, obligations, qualifications, elections or emoluments pertaining to such office or the incumbent thereof; declaring the intent of this Act, providing this Act shall be cumulative of all other laws; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Certain County Attorneys Designated Criminal District Attorney.

In any county in this State not embraced in or constituting either a Criminal District Attorney's District or a District Attorney's District and wherein the duty of representing the State in all criminal matters arising in such county devolves upon the County Attorney of such county, the Commissioners' Court thereof, upon petition of such County Attorney, at any time during a non-election year, may by appropriate action spread upon the minutes of such Commissioners' Court, designate the office of County Attorney in such county as the office of Criminal District Attorney of such county, and the incumbent of such office as the Criminal District Attorney of such county; and thereafter and until such time as such county shall be included within a regularly created and constituted District Attorney's District or Criminal District Attorney's District, such office shall be designated as the office of Criminal District Attorney of such county, and the incumbent thereof shall be designated as the Criminal District Attorney of such county; providing that such change in the designation and appellation of such office and the incumbent thereof, as aforesaid, shall in no manner alter or affect either the previous election and qualifications of the incumbent thereof, nor shall the same thereafter alter or affect either the rights, duties, or emoluments of such office or the incumbent thereof; and providing further that in all elections thereafter held to fill such office and so long as the same be so designated, the said office shall be designated upon the ballot and in the election as the office of Criminal District Attorney of such county; and providing further that in the event any such county be thereafter embraced in or constitute a regularly created District Attorney's District or Criminal District Attorney's District, the designation of County Attorney shall be restored to such office unless the office of County Attorney be abolished in such county.

#### Sec. 2. Intent of Act.

It is not the intention of this Act to create any office of District Attorney or any other Constitutional office; but it is the intention of this

Act merely to authorize a change in the name and appellation of the office of County Attorney and the incumbent thereof in certain counties without otherwise changing or affecting the rights, duties, or emoluments either of such office or the incumbent thereof.

#### Sec. 3. Repeal.

This Act is not intended and shall not be considered or construed as repealing any law now in the statute books, except those in conflict therewith; but it shall be cumulative thereof.

#### Sec. 4. Emergency.

The fact that there now exists in certain counties in this State a state of confusion as to the proper designation and appellation of the officer performing the duties of County and District Attorney in such counties, which confusion arises by reason of change in the Federal Census in such counties, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage.

On motion of Mr. Celaya, the report was adopted by the following vote:

#### Yeas—111

|            |                  |
|------------|------------------|
| Allison    | Colson, Mrs.     |
| Anderson   | Connelly         |
| Avant      | Craig            |
| Bailey     | Crossley         |
| Baker      | Crothwait        |
| Benton     | Daniel           |
| Boone      | Davis            |
| Bray       | Dickson of Nolan |
| Bridgers   | Donald           |
| Brown      | Dove             |
| Bruhl      | Duckett          |
| Bullock    | Dwyer            |
| Bundy      | Ellis            |
| Burkett    | Eubank           |
| Burnaman   | Ferguson         |
| Carlton    | Fitzgerald       |
| Carrington | Garland          |
| Cato       | Halsey           |
| Celaya     | Hanna            |
| Clark      | Hargis           |
| Cleveland  | Harris of Dallas |
| Coker      | Harris of Hill   |

|             |                  |
|-------------|------------------|
| Hartzog     | Markle           |
| Heflin      | Matthews         |
| Helpinstill | Moore            |
| Hileman     | Morgan           |
| Hobbs       | Morse            |
| Howard      | Murray           |
| Howington   | Nicholson        |
| Hoyo        | Pace             |
| Huffman     | Parker           |
| Hughes      | Pevehouse        |
| Humphrey    | Phillips         |
| Hutchinson  | Price            |
| Isaacks     | Rampy            |
| Jones       | Reed of Bowie    |
| Kelly       | Reed of Dallas   |
| Kennedy     | Ridgeway         |
| King        | Roark            |
| Knight      | Roberts          |
| Lansberry   | Sallas           |
| Lehman      | Senterfitt       |
| Leyendecker | Sharpe           |
| Little      | Simpson          |
| Lock        | Smith of Bastrop |
| Love        | Spangler         |
| Lowry       | Stinson          |
| Lucas       | Stubbs           |
| McAlister   | Turner           |
| McCann      | Vale             |
| McDonald    | Voigt            |
| McLellan    | Walters          |
| McMurry     | Weatherford      |
| McNamara    | White            |
| Manford     | Whitesides       |
| Manning     |                  |

Present—Not Voting

Favors

Absent

|             |            |
|-------------|------------|
| Alsup       | Huddleston |
| Bean        | Klingeman  |
| Blankenship | Lyle       |
| Brawner     | McGlasson  |
| Chambers    | Martin     |
| Deen        | Montgomery |
| Files       | Morris     |
| Fuchs       | Rhodes     |
| Gandy       | Shell      |
| Gilmer      | Skiles     |
| Goodman     | Spacek     |
| Hardeman    | Stanford   |
| Henderson   | Wattner    |

Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Taylor            |
| Evans            | Thornton          |
| Kersey           | Winfree           |
| Kinard           |                   |

#### SUSPENSION OF HOUSE RULES

Mr. Hartzog moved that the House dispense with the consideration of resolutions.

The motion prevailed.

Mr. Hartzog then moved that all speeches for the remainder of the day be limited to five minutes each.

The motion prevailed.

#### INVITING H. V. KALTENBORN TO ADDRESS A JOINT SESSION

Mr. Cato offered the following resolution:

H. C. R. No. 148, Inviting H. V. Kaltenborn to address a Joint Session of the Legislature.

Whereas, Mr. H. V. Kaltenborn will lecture in Gregory Gym on Wednesday, May 28, 1941, therefore

Be It Resolved by the House of Representatives, the Senate concurring, That Mr. Kaltenborn be invited to address a Joint Session on Wednesday, May 28, 1941, at 11:00 a. m.

The resolution was read second time and was unanimously adopted.

#### HOUSE BILL NO. 930 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 930, A bill to be entitled "An Act making certain emergency appropriations for the Adjutant General's Department incident to the support of the Texas Defense Guard; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 930 ON THIRD READING

Mr. Reed of Dallas moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 930 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

|         |        |
|---------|--------|
| Allison | Avant  |
| Alsup   | Dailey |

|                  |                  |
|------------------|------------------|
| Baker            | Jones            |
| Benton           | Kelly            |
| Blankenship      | Kennedy          |
| Boone            | Kinard           |
| Brawner          | King             |
| Bray             | Klingeman        |
| Bridgers         | Knight           |
| Brown            | Lansberry        |
| Bruhl            | Lehman           |
| Bullock          | Leyendecker      |
| Bundy            | Little           |
| Burkett          | Lock             |
| Burnaman         | Love             |
| Carlton          | Lowry            |
| Carrington       | Lucas            |
| Cato             | Lyle             |
| Celaya           | McAlister        |
| Clark            | McCann           |
| Cleveland        | McGlasson        |
| Coker            | McLellan         |
| Colson, Mrs.     | McMurry          |
| Connelly         | McNamara         |
| Craig            | Manford          |
| Crossley         | Manning          |
| Daniel           | Markle           |
| Davis            | Martin           |
| Deen             | Matthews         |
| Dickson of Nolan | Montgomery       |
| Duckett          | Moore            |
| Dwyer            | Morgan           |
| Ellis            | Morse            |
| Eubank           | Murray           |
| Ferguson         | Nicholson        |
| Files            | Pace             |
| Fitzgerald       | Pevehouse        |
| Fuchs            | Phillips         |
| Gandy            | Price            |
| Garland          | Reed of Bowie    |
| Goodman          | Reed of Dallas   |
| Halsey           | Ridgeway         |
| Hanna            | Rhodes           |
| Hardeman         | Roark            |
| Hargis           | Roberts          |
| Harris of Dallas | Sallas           |
| Harris of Hill   | Senterfitt       |
| Hartzog          | Sharpe           |
| Hefin            | Simpson          |
| Helpinstill      | Skiles           |
| Henderson        | Smith of Bastrop |
| Hileman          | Spacek           |
| Hobbs            | Spangler         |
| Howard           | Stanford         |
| Hoyo             | Stinson          |
| Huddleston       | Stubbs           |
| Huffman          | Turner           |
| Hughes           | Vale             |
| Humphrey         | Walters          |
| Hutchinson       | Wattner          |
| Isaacks          | Whitesides       |

Nays—3

|           |       |
|-----------|-------|
| Howington | Rampy |
| Parker    |       |

## Absent

|            |             |
|------------|-------------|
| Anderson   | Gilmer      |
| Bean       | McDonald    |
| Chambers   | Morris      |
| Crosthwait | Shell       |
| Donald     | Voigt       |
| Dove       | Weatherford |
| Favors     | White       |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Taylor            |
| Evans            | Thornton          |
| Kersey           | Winfree           |

The Speaker then laid House Bill No. 930 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—122

|                  |                  |
|------------------|------------------|
| Allison          | Fitzgerald       |
| Alsup            | Fuchs            |
| Avant            | Gandy            |
| Bailey           | Garland          |
| Baker            | Goodman          |
| Benton           | Halsey           |
| Blankenship      | Hanna            |
| Boone            | Hardeman         |
| Brawner          | Hargis           |
| Bray             | Harris of Dallas |
| Bridgers         | Harris of Hill   |
| Brown            | Hartzog          |
| Bruhl            | Hefin            |
| Bullock          | Helpinstill      |
| Bundy            | Henderson        |
| Burkett          | Hileman          |
| Burnaman         | Hobbs            |
| Carlton          | Howard           |
| Carrington       | Hoyo             |
| Cato             | Huddleston       |
| Celaya           | Huffman          |
| Clark            | Hughes           |
| Cleveland        | Humphrey         |
| Coker            | Hutchinson       |
| Colson, Mrs.     | Isaacks          |
| Connelly         | Jones            |
| Craig            | Kelly            |
| Crossley         | Kennedy          |
| Daniel           | Kinard           |
| Davis            | King             |
| Deen             | Klingeman        |
| Dickson of Nolan | Knight           |
| Duckett          | Lansberry        |
| Dwyer            | Lehman           |
| Ellis            | Leyendecker      |
| Eubank           | Little           |
| Ferguson         | Lock             |
| Files            | Love             |



|            |                  |
|------------|------------------|
| Lowry      | Price            |
| Lucas      | Reed of Bowie    |
| Lyle       | Reed of Dallas   |
| McAlister  | Ridgeway         |
| McCann     | Rhodes           |
| McGlasson  | Roark            |
| McLellan   | Roberts          |
| McMurry    | Sallas           |
| McNamara   | Senterfitt       |
| Manford    | Sharpe           |
| Manning    | Simpson          |
| Markle     | Skiles           |
| Martin     | Smith of Bastrop |
| Matthews   | Spacek           |
| Montgomery | Spangler         |
| Moore      | Stanford         |
| Morgan     | Stinson          |
| Morse      | Stubbs           |
| Murray     | Turner           |
| Nicholson  | Vale             |
| Pace       | Walters          |
| Pevehouse  | Wattner          |
| Phillips   | Whitesides       |

## Nays—3

Howington      Rampy  
Parker

## Absent

|            |             |
|------------|-------------|
| Anderson   | Gilmer      |
| Bean       | McDonald    |
| Chambers   | Morris      |
| Crosthwait | Shell       |
| Donald     | Voigt       |
| Dove       | Weatherford |
| Favors     | White       |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Taylor            |
| Evans            | Thornton          |
| Kersey           | Winfrey           |

HOUSE BILL NO. 268 ON  
SECOND READING

The Speaker laid before the House, as special order, on its second reading and passage to engrossment,

H. B. No. 268, A bill to be entitled "An Act to provide for the establishment of a State Cancer Hospital for the treatment of cancer and allied diseases and shall be known as the Clyde F. Lingo Memorial Hospital for Cancer; and providing herein the Governor of the State of Texas shall appoint a Cancer Commission of three (3) citizens of the State and their appointments shall be four

(4) years; and providing herein for the appointment of an Administrator and a staff to conduct said Cancer Hospital; and their appointments shall be for four (4) years; and providing herein for the appointment of an Advisory Board of nine (9) citizens consisting of one attorney, one civil engineer, one ordained minister, one business manager and five (5) physicians; etc."

The bill was read second time.

Mr. Cato offered the following committee amendment to the bill:

Amend House Bill No. 268 by striking out all below the enacting clause and substituting therefor the following:

Section 1. There are hereby established the Texas State Cancer Hospital and the Division of Cancer Research, which institution, together with such substations as may be created pursuant hereto, shall be under the control and management of the University of Texas, which shall determine the location within this State of said Texas State Cancer Hospital, said Division of Cancer Research and such substations and which shall have charge of all building plans, materials, furnishings, equipment and other properties of or pertaining to said institutions or substations.

Sec. 2. The Board of Regents of the University of Texas shall select and employ an Administrator, who shall be a graduate of a Class A medical school, a recognized cancer specialist and who shall be duly licensed to practice medicine in Texas. Said Administrator shall have charge of the operation and conduct of said institutions and said substations, and shall have and possess such other powers, duties, privileges and obligations as may be conferred upon him by said Board of Regents not inconsistent with the other provisions of this Act

Sec. 3. The medical staff of said institutions and said substations shall be selected and employed by the Board of Regents on the recommendation of the Administrator, and may be discharged in like manner. All other attendants, including nurses, dietitians, record librarians, superintendents, etc., shall be selected and employed by the Administrator

and may be discharged by him at pleasure. All of the employees of such institutions or substations, including the medical staff and the Director of the Division of Cancer Research, shall be subject to the supervision and direction of the Administrator.

Sec. 4. The University of Texas may establish and maintain such diagnostic and treatment substations as may be deemed expedient from time to time, the location, erection, operation and management thereof to be under the control and direction of the University of Texas, subject to the other provisions of this Act.

Such substations, together with the institutions established hereby, shall conform to the standards of the American College of Surgeons and the American Medical Association.

Sec. 5. Said institutions, together with such substations as may be established pursuant hereto, shall be devoted to the diagnosis, teaching, study, prevention and treatment of neoplastic and allied diseases.

Sec. 6. The services of such institutions and such substations shall be provided free for indigent eligible citizens of Texas, provided that the county or the city of the residence of any such indigent eligible citizen may be required to pay therefor, severally or jointly, as a condition precedent to the admission or treatment of such citizen, subject to such rules and regulations as may be promulgated from time to time by the Administrator. An eligible citizen within the meaning of this Act shall be a citizen of the United States who has actually resided within the State of Texas for a period of at least twelve months next preceding the date of application for such free service, and who has a bona fide intention of continuing his permanent residence in this state. The term "indigent" as used in this Act shall mean a person for whose support no one is legally liable, who is unable to pay for such services and who has no property that may be used or converted into use for the payment thereof.

Sec. 7. Admission to said institutions and to said substations shall be subject to such rules and regulations as may be promulgated by the

Admission from time to time, which shall include written application from the patient or from the guardian of the patient or from some friend or relative of the patient. Such written application shall be upon such forms as may be prescribed by the Administrator and shall show the following:

1. Name of patient.
2. Sex of patient.
3. Age and nativity of patient.
4. A complete statement of the location, description and value of any property, real or personal, owned, possessed or held by the patient or by the guardian of the patient.
5. The name of all persons legally liable for the support of the patient, together with a complete statement of the location, description and value of any property, real or personal, owned, possessed or held by any such person.
6. The residence of the patient for a period of at least two years next preceding the date of application.
7. The occupation, trade, profession or employment of the patient.
8. The names and addresses of the parents, children, brothers and sisters, and other responsible relatives, if any, of the patient.
9. The names, addresses and ages of any relatives who are or who may have been similarly afflicted.
10. Such other and further information or statements as may be required by the Administrator.

Sec. 8. Every applicant shall be accompanied by a written request from the attending physician of the patient requesting the admission of such patient, which shall be in such form as may be prescribed by the Administrator and shall show the following:

1. A statement from the physician that he has adequately examined the patient and that such patient has, or is suspected of having, a neoplasm or allied disease, together with a statement showing the duration of the disease, if known, and indicating any accompanying bodily

disorder or disorders the patient may have at the time of application.

2. Such other and further information as may be required by the Administrator.

Sec. 9. No person shall be admitted to said institutions or to said substations until the Administrator is satisfied that all requirements of this Act have been met, subject to such rules and regulations as may be promulgated by the Administrator from time to time governing the admission of patients thereto.

Sec. 10. The county or city of the residence of such indigent patients, severally or jointly, shall pay the actual cost of the transportation of the patient to and from such institutions or substations, and of the clothing, laundry and incidental expenses connected with the care and treatment of such patient, provided satisfactory arrangements can be made in this connection. If any patient dies while in said institution or substations, the disposition of the body shall be arranged according to law.

Sec. 11. A schedule of minimum fees and charges shall be established hereunder by the Administrator, which shall conform to the fees and charges customarily made for similar services in the community in which such services are rendered.

Sec. 12. There is hereby appropriated from the General Revenue Fund of the State of Texas, from funds not otherwise appropriated, the sum of One Million Dollars for the location, erection and equipping of the Texas State Cancer Hospital; together with the further sum of Two Hundred Fifty Thousand Dollars for the location, erection and equipping of the Division of Cancer Research; together with the further sum of One Hundred Fifty Thousand Dollars for the location, erection and equipping of such substations as the University of Texas may deem it expedient to establish, operate and maintain hereunder; and together with the sum of Three Hundred Fifty Thousand Dollars for the fiscal year commencing September 1st, 1941, for the operation and maintenance of said institutions and said substations.

Sec. 13. The University of Texas is authorized hereby to accept in connection with said institutions or said substations grants or gifts of money from other than state sources.

Sec. 14. The fact that any word, phrase, clause, sentence, paragraph or section of this Act may be declared unconstitutional or invalid by the courts shall not affect the constitutionality or validity of the remainder thereof.

Sec. 15. The facts that cancer in causing 4,000 deaths annually in Texas, that many of the persons so afflicted are indigent persons, that there is no adequate provision made in this state for the study of the cause, prevention or cure of cancer, and that there are no state institutions devoted thereto, create an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each House, be, and the same is hereby, suspended, and that this Act take effect and be in force from and after its passage; and it is so enacted.

Mr. McLellan offered the following amendments to the Committee Amendment:

Amend Committee Amendment No. 1, House Bill 268 by striking out the following words from Section 6 in lines 10, 11, 12, 13, 14 and 15;

"Provided that the county or the city of the residence of any such indigent, eligible citizen may be required to pay therefor severally or jointly, as a condition precedent to the admission or treatment of such citizen, subject to such rules and regulations as may be promulgated from time to time by the Administrator."

Amend Committee Amendment No. 1, House Bill 268 by striking out all of Section 2 and inserting in lieu thereof the following:

"Sec. 2. The Board of Regents of the University of Texas shall select and employ an Administrator. Said Administrator shall have charge of the operation and conduct of said institutions and said substations, and shall have and possess such other powers, duties, privileges and obli-

gations as may be conferred upon him by said Board of Regents not inconsistent with the other provisions of this Act."

Amend Committee Amendment No. 1, House Bill 268 by striking out all of Section 10, and re-numbering other sections accordingly.

The amendments to the Committee Amendment were severally adopted.

Mr. Blankenship offered the following amendment to the Committee Amendment:

Amend Committee Amendment to House Bill No. 268 by adding at the end thereof the following:

"Said hospital shall be established in county of Dallas."

BLANKENSHIP,  
STINSON.

Mr. Roark offered the following substitute for the amendment by Mr. Blankenship:

Amendment to the amendment: "Said hospital to be located in Temple, Texas."

ROARK,  
McNAMARA.

On motion of Mr. Cato the substitute amendment by Mr. Roark was tabled.

On motion of Mr. Cato, the amendment by Mr. Blankenship was tabled.

Question recurring on the Committee Amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 268 was then passed to engrossment.

Mr. Cato moved to reconsider the vote by which the bill was engrossed, and to table the motion to reconsider.

The motion to table prevailed.

#### MOTION TO PLACE HOUSE BILL NO. 268 ON THIRD READING

Mr. Cato moved that the Constitutional Rule requiring bills to be

read on three several days be suspended and that House Bill No. 268 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

#### Yeas—96

|                  |                  |
|------------------|------------------|
| Allison          | Humphrey         |
| Alsup            | Hutchinson       |
| Anderson         | Isaacks          |
| Avant            | Jones            |
| Bailey           | Kelly            |
| Baker            | Kennedy          |
| Bean             | Knight           |
| Blankenship      | Lansberry        |
| Boone            | Lehman           |
| Bray             | Leyendecker      |
| Bridgers         | Little           |
| Brown            | Lock             |
| Bullock          | Love             |
| Burnaman         | Lowry            |
| Carrington       | Lucas            |
| Cato             | Lyle             |
| Cleveland        | McCann           |
| Coker            | McDonald         |
| Colson, Mrs.     | McLellan         |
| Connelly         | McMurry          |
| Daniel           | Manning          |
| Deen             | Markle           |
| Dickson of Nolan | Martin           |
| Donald           | Matthews         |
| Dove             | Montgomery       |
| Duckett          | Moore            |
| Dwyer            | Morse            |
| Ellis            | Pace             |
| Eubank           | Pevehouse        |
| Ferguson         | Phillips         |
| Files            | Price            |
| Fuchs            | Reed of Bowie    |
| Gandy            | Reed of Dallas   |
| Garland          | Ridgeway         |
| Gilmer           | Rhodes           |
| Goodman          | Roark            |
| Halsey           | Sallas           |
| Hargis           | Senterfitt       |
| Harris of Dallas | Skiles           |
| Harris of Hill   | Smith of Bastrop |
| Hartzog          | Spacek           |
| Heflin           | Spangler         |
| Helpinstill      | Stanford         |
| Henderson        | Stinson          |
| Hileman          | Turner           |
| Howard           | Vale             |
| Hoyo             | White            |
| Hughes           | Whitesides       |

#### Nays—33

|        |         |
|--------|---------|
| Benton | Burkett |
| Bruhl  | Carlton |
| Bundy  | Craig   |

|            |             |
|------------|-------------|
| Crossley   | Morgan      |
| Crosthwait | Morris      |
| Davis      | Murray      |
| Favors     | Nicholson   |
| Hanna      | Parker      |
| Hardeman   | Rampy       |
| Hobbs      | Roberts     |
| Howington  | Sharpe      |
| Kinard     | Stubbs      |
| King       | Voigt       |
| McAlister  | Walters     |
| McGlasson  | Wattner     |
| McNamara   | Weatherford |
| Manford    |             |

**Absent**

|            |            |
|------------|------------|
| Brawner    | Huddleston |
| Celaya     | Huffman    |
| Chambers   | Klingeman  |
| Clark      | Shell      |
| Fitzgerald | Simpson    |

**Absent—Excused**

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Taylor            |
| Evans            | Thornton          |
| Kersey           | Winfree           |

**ADDITIONAL SIGNER OF  
HOUSE BILL**

By unanimous consent of the House, the following member was authorized to sign bill as co-author of same, as follows:

Mr. Hileman: House Bill No. 268.

**SPECIAL ORDER SET**

Mr. Montgomery moved that House Bill No. 1011 be set for special order at 11:00 o'clock a. m. tomorrow.

The motion prevailed by the following vote:

**Yeas—83**

|             |              |
|-------------|--------------|
| Allison     | Cleveland    |
| Alsup       | Colson, Mrs. |
| Avant       | Connelly     |
| Baker       | Crosthwait   |
| Bean        | Daniel       |
| Blankenship | Davis        |
| Boone       | Donald       |
| Brown       | Dove         |
| Bullock     | Duckett      |
| Bundy       | Ellis        |
| Carlton     | Eubank       |
| Cato        | Ferguson     |

|                  |                |
|------------------|----------------|
| Files            | McLellan       |
| Fuchs            | McNamara       |
| Garland          | Manford        |
| Goodman          | Manning        |
| Hargis           | Markle         |
| Harris of Dallas | Martin         |
| Hartzog          | Matthews       |
| Helpinstill      | Montgomery     |
| Henderson        | Moore          |
| Howard           | Morgan         |
| Hoyo             | Morris         |
| Huddleston       | Morse          |
| Hughes           | Rampy          |
| Hutchinson       | Reed of Bowie  |
| Isaacks          | Reed of Dallas |
| Kelly            | Rhodes         |
| Kennedy          | Roark          |
| Klingeman        | Roberts        |
| Knight           | Sharpe         |
| Lehman           | Skiles         |
| Leyendecker      | Spacek         |
| Little           | Spangler       |
| Lock             | Stinson        |
| Love             | Stubbs         |
| Lowry            | Turner         |
| Lucas            | Vale           |
| Lyle             | Weatherford    |
| McAlister        | White          |
| McConn           | Whitesides     |
| McGlasson        |                |

**Nays—32**

|            |                  |
|------------|------------------|
| Bailey     | Hobbs            |
| Benton     | Howington        |
| Brawner    | Huffman          |
| Bray       | Humphrey         |
| Bridgers   | Jones            |
| Bruhl      | McMurry          |
| Burkett    | Murray           |
| Carrington | Parker           |
| Chambers   | Price            |
| Coker      | Ridgeway         |
| Craig      | Senterfitt       |
| Deen       | Smith of Bastrop |
| Favors     | Stanford         |
| Fitzgerald | Voigt            |
| Hanna      | Walters          |
| Hileman    | Wattner          |

**Absent**

|                  |           |
|------------------|-----------|
| Anderson         | Heflin    |
| Burnaman         | Kinard    |
| Celaya           | King      |
| Clark            | Lansberry |
| Crossley         | McDonald  |
| Dickson of Nolan | Nicholson |
| Dwyer            | Pace      |
| Gandy            | Pevehouse |
| Gilmer           | Phillips  |
| Halsey           | Sallas    |
| Hardeman         | Shell     |
| Harris of Hill   | Simpson   |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Taylor            |
| Evans            | Thornton          |
| Kersey           | Winfree           |

HOUSE BILL NO. 7 ON  
SECOND READING

Mr. Hartzog moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 7.

The motion was lost.

On motion of Mr. Celaya the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment, House Bill No. 7.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 7, A bill to be entitled "An Act to aid the City of Port Lavaca in constructing and maintaining revetments, and in the restoring, protection and improvement of the harbor and bay shore front of the City of Port Lavaca, and for the purchase, by condemnation or otherwise, of all lands necessary for said bay shore front and harbor improvements, all for public use, by donating to said City of Port Lavaca the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Calhoun County, State of Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misappropriation of funds raised therefor, and to declare an emergency."

The bill was read second time.

Mr. Hartzog offered the following Committee Amendment to the bill:

Amend House Bill No. 7 by striking out all below the enacting clause and substitute the following:

Be It Enacted by the Legislature of the State of Texas:

Section 1. It is found and declared that the City of Port Lavaca is a City

situated on the Gulf Coast of the State of Texas and is subject to calamitous overflows and that a very large proportion of the general revenues of the State is derived from this otherwise prosperous locality.

Sec. 2. For a period of twenty (20) years commencing on September 1, 1941, following the passage of this Act, there is hereby donated and granted by the State of Texas to the City of Port Lavaca, Calhoun County, Texas, all of the net amount of all State Ad Valorem taxes levied and collected for State general purposes, on all property real and personal including the rolling stock belonging to railroad companies (which shall be ascertained and apportioned as now provided by law) in Calhoun County. Said money when received by the City of Port Lavaca shall be used by such City as an agency of the State of Texas, in the manner provided in this Act for the construction, repair and improvement of sea-walls, breakwaters and harbors.

Sec. 3. At the end of each month the Assessor and Collector of taxes of Calhoun County shall make an itemized report under oath to the Comptroller of Public Accounts of the State of Texas, on forms to be furnished by the Comptroller, showing the amount of all ad valorem taxes collected by him for State general purposes upon real and personal property within the County of Calhoun, including rolling stock of railroad companies as hereinabove provided; and he shall accompany the same with an itemized statement showing full disposition of all such taxes collected. The said Assessor and Collector of Texas shall forward his report to the Comptroller, and shall make a like report to the City Treasurer of the City of Port Lavaca and he shall pay over to the City Treasurer of the City of Port Lavaca all of the moneys collected by him from State ad valorem taxes levied for general purposes during said month, less such amounts as are allowed by law for assessing and collecting same. On the occasion of each such remittance the City Treasurer shall execute a receipt in duplicate showing the amount of money thus received, forwarding one executed copy to the Tax Assessor and

Collector of Calhoun County and the other executed copy to the Comptroller of Public Accounts of the State of Texas.

Sec. 4. The City of Port Lavaca, acting by and through its governing body to accomplish such State purposes, shall have authority and is hereby authorized to issue its negotiable bonds secured by a pledge of the tax moneys donated and granted by the State of Texas and said governing body in its discretion may secure such bonds additionally by a pledge of its own taxing power, and the proceeds of the sale of such bonds may be used for the purpose of constructing, repairing and improving seawalls, breakwaters and harbors to protect said locality from such calamitous overflow; provided that no new construction or improvement shall be made or contracted for in the bay on the East side of the present seawall unless or until all privately owned lands, leases and easements between said proposed structure and the present seawall shall have been secured by the City of Port Lavaca by purchase, gift, condemnation or otherwise.

Sec. 5. Bonds issued by the City of Port Lavaca under authority of this Act shall be governed by the general laws of the State of Texas applicable to bonds issued by cities and towns, including the provisions of Titles 22 and 28 of the Revised Civil Statutes of 1925 and amendments thereto, and if the bonds are to be secured by a pledge of the taxing power of the City of Port Lavaca the proposition submitted in the election for the issuance of said bonds shall contain a reference to the fact that such tax is authorized. The bonds issued by the City for such purposes shall not exceed an amount or amounts which could be serviced both as to principal and interest with such donated taxes based on the latest approved assessed value of property, including the value of rolling stock apportioned to such City in Calhoun County, at the time such City proposes to issue said bonds, and based on the average tax rate levied by the State of Texas for general fund purposes during the ten (10) years preceding the year in which said bonds are to be issued. After

bonds shall have been voted originally under this Act subsequent issues may be voted as required. Bonds of an issue may be delivered at one time or from time to time as and when the money is needed for such purposes. The money received by the City from such donated taxes shall be used to pay the principal and interest of said bonds and shall not be diverted to any other purpose.

Sec. 6 To the extent that money may be accumulated in the sinking fund from such State donated taxes in excess of current requirements for principal and interest and to provide such reserve as may be prescribed in the ordinance or ordinances authorizing the issuance of said bonds, it may be invested in accordance with the general law applicable to cities. The use and diversion of moneys herein granted for any purpose other than the payment of interest and principal on the bonds voted hereunder or invested in accordance with applicable laws is hereby prohibited and the violation of this section shall constitute a misapplication of public money and the person or persons so offending shall be punished as provided for in Article 86 of the Penal Code of the State of Texas.

Sec. 7. The fact that this Act is designed to protect a locality situated on the Gulf Coast from calamitous overflows, and the fact that a very large proportion of the general revenue of the State is derived from such otherwise prosperous locality creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three separate days be suspended, and said rule is hereby suspended and that this Act becomes effective immediately from and after its passage, and it is so enacted.

The committee amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Howington offered the following amendment to the bill:

Amend House Bill No. 7 by striking out the enacting clause.

HOWINGTON,  
HANNA.

On motion of Mr. Hartzog, the amendment by Mr. Howington was tabled.

Mr. Favors offered the following amendment to the bill:

Amend House Bill No. 7, Committee Amendment No. 1, after the words "Calhoun County" wherever they appear the following "and Gray County for erosion and soil conservation purposes."

Mr. Hartzog raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Favors moved that House Bill No. 7 be postponed until 11:00 o'clock a. m. next Monday and that the Attorney General be requested for an opinion as to the constitutionality of the bill.

Mr. Hartzog moved to table the motion by Mr. Favors.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: yeas, 68; nays, 60.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

#### Yeas—63

|              |             |
|--------------|-------------|
| Avant        | Dove        |
| Bean         | Duckett     |
| Bray         | Dwyer       |
| Brown        | Fuchs       |
| Bullock      | Gilmer      |
| Burnaman     | Goodman     |
| Carrington   | Halsey      |
| Celaya       | Hardeman    |
| Colson, Mrs. | Hargis      |
| Crosthwait   | Hartzog     |
| Daniel       | Heflin      |
| Donald       | Helpinstill |

|             |                  |
|-------------|------------------|
| Henderson   | Martin           |
| Hobbs       | Montgomery       |
| Howard      | Morse            |
| Hoyo        | Phillips         |
| Huddleston  | Price            |
| Hughes      | Rampy            |
| Humphrey    | Rhodes           |
| Kelly       | Sallas           |
| Kennedy     | Sharpe           |
| Leyendecker | Smith of Bastrop |
| Little      | Spacek           |
| Lock        | Spangler         |
| Love        | Stanford         |
| Lowry       | Stinson          |
| Lucas       | Stubbs           |
| Lyle        | Turner           |
| McGlasson   | Vale             |
| McNamara    | Weatherford      |
| Manning     | White            |
| Markle      |                  |

#### Nays—59

|                  |                |
|------------------|----------------|
| Allison          | Jones          |
| Bailey           | King           |
| Baker            | Klingeman      |
| Benton           | Knight         |
| Blankenship      | Lansberry      |
| Brawner          | Lehman         |
| Bruhl            | McCann         |
| Bundy            | McDonald       |
| Burkett          | McLellan       |
| Carlton          | McMurry        |
| Cleveland        | Manford        |
| Connelly         | Matthews       |
| Craig            | Moore          |
| Crossley         | Morgan         |
| Deen             | Morris         |
| Dickson of Nolan | Murray         |
| Ellis            | Pace           |
| Eubank           | Parker         |
| Favors           | Pevehouse      |
| Ferguson         | Reed of Bowie  |
| Fitzgerald       | Reed of Dallas |
| Gandy            | Ridgeway       |
| Garland          | Roberts        |
| Hanna            | Senterfitt     |
| Harris of Dallas | Simpson        |
| Harris of Hill   | Skiles         |
| Hileman          | Voigt          |
| Howington        | Walters        |
| Huffman          | Wattner        |
| Hutchinson       |                |

#### Present—Not Voting

|       |       |
|-------|-------|
| Alsup | Roark |
|-------|-------|

#### Absent

|          |         |
|----------|---------|
| Anderson | Clark   |
| Boone    | Coker   |
| Bridgers | Davis   |
| Cato     | Files   |
| Chambers | Isaacks |



|           |            |
|-----------|------------|
| Kinard    | Shell      |
| McAlister | Taylor     |
| Nicholson | Whitesides |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Thornton          |
| Evans            | Winfree           |
| Kersey           |                   |

(Pending the verification, Mr. Reed of Dallas, occupied the Chair temporarily).

(Speaker in the Chair).

The Speaker announced that the motion to table the motion by Mr. Favors prevailed.

House Bill No. 7 was then passed to engrossment.

Mr. Hartzog moved to reconsider the vote by which the bill was engrossed, and to table the motion to reconsider.

The motion to table prevailed.

# MOTION TO PLACE HOUSE BILL NO. 7 ON THIRD READING

Mr. Hartzog moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 7 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving its necessary four-fifths vote):

## Yeas—70

|              |                  |
|--------------|------------------|
| Alsup        | Ferguson         |
| Anderson     | Fuchs            |
| Avant        | Gilmer           |
| Bean         | Goodman          |
| Boone        | Halsey           |
| Brown        | Hardeman         |
| Bullock      | Hargis           |
| Burnaman     | Harris of Dallas |
| Carrington   | Hartzog          |
| Celaya       | Heflin           |
| Coker        | Helpinstill      |
| Colson, Mrs. | Hobbs            |
| Crosthwait   | Howard           |
| Daniel       | Hoyo             |
| Davis        | Huddleston       |
| Donald       | Huffman          |
| Dove         | Hughes           |
| Duckett      | Humphrey         |
| Dwyer        | Kelly            |

|             |                  |
|-------------|------------------|
| Kennedy     | Montgomery       |
| Leyendecker | Morse            |
| Little      | Phillips         |
| Lock        | Rampy            |
| Love        | Reed of Dallas   |
| Lowry       | Rhodes           |
| Lucas       | Sallas           |
| Lyle        | Smith of Bastrop |
| McCann      | Spacek           |
| McDonald    | Spangler         |
| McGlasson   | Stanford         |
| McMurry     | Stinson          |
| McNamara    | Stubbs           |
| Manning     | Vale             |
| Markle      | Weatherford      |
| Martin      | Whitesides       |

## Nays—55

|                  |               |
|------------------|---------------|
| Allison          | Howington     |
| Bailey           | Hutchinson    |
| Baker            | Jones         |
| Benton           | King          |
| Blankenship      | Klingeman     |
| Brawner          | Knight        |
| Bray             | Lansberry     |
| Bridgers         | Lehman        |
| Bruhl            | McLellan      |
| Bundy            | Manford       |
| Burkett          | Matthews      |
| Carlton          | Moore         |
| Cleveland        | Morgan        |
| Connelly         | Morris        |
| Craig            | Murray        |
| Crossley         | Pace          |
| Deen             | Parker        |
| Dickson of Nolan | Pevehouse     |
| Ellis            | Price         |
| Eubank           | Reed of Bowie |
| Favors           | Roberts       |
| Files            | Senterfitt    |
| Fitzgerald       | Simpson       |
| Gandy            | Turner        |
| Garland          | Voigt         |
| Hanna            | Walters       |
| Harris of Hill   | Wattner       |
| Hileman          |               |

## Present—Not Voting

Roark

## Absent

|           |           |
|-----------|-----------|
| Cato      | Nicholson |
| Chambers  | Ridgeway  |
| Clark     | Sharpe    |
| Henderson | Shell     |
| Isaacks   | Skiles    |
| Kinard    | Taylor    |
| McAlister | White     |

## Absent—Excused

|       |                  |
|-------|------------------|
| Allen | Dickson of Bexar |
| Bell  | Evans            |

Kersey  
Mills  
Smith of Atascosa

Thornton  
Winfree

## MESSAGE FROM THE SENATE

Austin, Texas, May 19, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 541, A bill to be entitled "An Act repealing House Bill No. 627, passed at the Regular Session of the Forty-fifth Legislature, the same being a local game bill for Polk County; and declaring an emergency." (With amendments.)

H. B. No. 967, A bill to be entitled "An Act authorizing the allowance of traveling expense for members of the Commissioners Court in certain counties; and declaring an emergency."

H. B. No. 1014, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by certain cities and towns in the State of Texas; etc., and declaring an emergency."

S. B. No. 301, A bill to be entitled "An Act to regulate 'transportation agents' defining the terms 'person,' 'Commission,' etc., and declaring an emergency."

S. B. No. 469, A bill to be entitled "An Act amending Senate Bill No. 409, being Chapter 53, page 64, of the Special Laws of the Regular Session of the 43rd Legislature, 1933, relating to the 'County Court of Galveston County at Law,' etc.; and declaring an emergency."

H. B. No. 262, A bill to be entitled "An Act authorizing the Commissioners Court in certain counties of this State to provide fire protection and fire fighting equipment for the citizens of the county outside of any city, town, or village therein; etc., and declaring an emergency."

H. B. No. 506, A bill to be entitled "An Act amending Section 12, Chapter 271, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

H. B. No. 549, A bill to be entitled "An Act making specific appropria-

tion out of the General Fund of the State of Texas, not otherwise appropriated, to pay a judgment obtained by W. S. Hale and wife against the State of Texas; etc., and declaring an emergency." (With amendments).

H. B. No. 828, A bill to be entitled "An Act amending Sections 3, 5, 6, 7, and 9 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature relative to the powers of the San Jacinto River Conservation and Reclamation District; etc., and declaring an emergency."

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 29.

The following have been appointed on the part of the Senate:

Senators Sulak, Graves, Martin, Moffett and Mauritz.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 73.

The following have been appointed on the part of the Senate:

Senators Moore, Hazelwood, Shivers, Van Zandt and Weinert.

## Adopted

H. C. R. No. 147 Authorizing the Enrolling Clerk of the House to make certain changes in House Bill No. 903.

Respectfully,

BOB BARKER,

Secretary of the Senate.

## HOUSE BILL NO. 541 WITH SENATE AMENDMENTS

Mr. Coker called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 541, A bill to be entitled "An Act repealing House Bill No. 627 passed at the Regular Session of the Forty-fifth Legislature, the same being a local game bill for Polk County; and declaring an emergency."

On motion of Mr. Coker, the House concurred in the Senate amendments by the following vote:

## Yeas—126

|                  |                  |
|------------------|------------------|
| Allison          | Hobbs            |
| Alsup            | Howard           |
| Anderson         | Howington        |
| Bailey           | Hoyo             |
| Baker            | Huddleston       |
| Bean             | Huffman          |
| Benton           | Hughes           |
| Blankenship      | Humphrey         |
| Boone            | Hutchinson       |
| Brawner          | Jones            |
| Bray             | Kelly            |
| Bridgers         | Kennedy          |
| Brown            | Klingeman        |
| Bruhl            | Knight           |
| Bundy            | Lansberry        |
| Burkett          | Lehman           |
| Carlton          | Leyendecker      |
| Carrington       | Little           |
| Cato             | Lock             |
| Celaya           | Love             |
| Chambers         | Lowry            |
| Clark            | Lucas            |
| Cleveland        | Lyle             |
| Coker            | McCann           |
| Colson, Mrs.     | McDonald         |
| Connelly         | McGlasson        |
| Craig            | McLellan         |
| Crossley         | McMurry          |
| Crosthwait       | McNamara         |
| Davis            | Manford          |
| Deen             | Manning          |
| Dickson of Nolan | Markle           |
| Donald           | Martin           |
| Dove             | Matthews         |
| Duckett          | Montgomery       |
| Dwyer            | Moore            |
| Ellis            | Morgan           |
| Eubank           | Morris           |
| Favors           | Morse            |
| Ferguson         | Murray           |
| Files            | Pace             |
| Fitzgerald       | Parker           |
| Fuchs            | Pevehouse        |
| Gandy            | Phillips         |
| Garland          | Price            |
| Gilmer           | Rampy            |
| Goodman          | Reed of Bowie    |
| Halsey           | Reed of Dallas   |
| Hanna            | Ridgeway         |
| Hardeman         | Rhodes           |
| Hargis           | Roark            |
| Harris of Dallas | Roberts          |
| Harris of Hill   | Sallas           |
| Hartzog          | Senterfitt       |
| Heflin           | Simpson          |
| Helpinstill      | Skiles           |
| Hileman          | Smith of Bastrop |

|          |            |
|----------|------------|
| Spacek   | Vale       |
| Spangler | Voigt      |
| Stanford | Walters    |
| Stinson  | Wattner    |
| Stubbs   | White      |
| Turner   | Whitesides |

## Absent

|           |             |
|-----------|-------------|
| Avant     | King        |
| Bullock   | McAlister   |
| Burnaman  | Nicholson   |
| Daniel    | Sharpe      |
| Henderson | Shell       |
| Isaacks   | Taylor      |
| Kinard    | Weatherford |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Thornton          |
| Evans            | Winfree           |
| Kersey           |                   |

## HOUSE BILL NO. 549 WITH SENATE AMENDMENTS

Mr. Stubbs called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 549, A bill to be entitled "An Act making specific appropriation out of the General Fund of the State of Texas, not otherwise appropriated, to pay a judgment obtained by W. S. Hale and wife, against the State of Texas under the authority of Senate Bill No. 197, Chapter 72, Special Laws of the Regular Session of the Forty-second Legislature, authorizing the said W. S. Hale and wife to sue the State of Texas for the recovery of damages resulting from overflow of their lands arising out of the construction of temporary dumps or roadbeds by the State through its Highway Department; directing the Comptroller of the State of Texas to issue warrant on the State Treasury in favor of W. S. Hale and wife, in the sum of the judgment rendered by the Supreme Court of Texas in the suit of W. S. Hale and wife against the State of Texas brought under the authority of Senate Bill No. 197; and declaring an emergency "

On motion of Mr. Stubbs, the House concurred in the Senate amendments by the following vote:

| Yeas—123         |                  |
|------------------|------------------|
| Allison          | Huddleston       |
| Alsup            | Hughes           |
| Anderson         | Humphrey         |
| Avant            | Hutchinson       |
| Bailey           | Jones            |
| Baker            | Kelly            |
| Bean             | Kennedy          |
| Benton           | Klingeman        |
| Blankenship      | Knight           |
| Boone            | Lansberry        |
| Brawner          | Lehman           |
| Bray             | Leyendecker      |
| Bridgers         | Little           |
| Brown            | Lock             |
| Bruhl            | Love             |
| Bundy            | Lowry            |
| Burkett          | Lucas            |
| Burnaman         | Lyle             |
| Carlton          | McCann           |
| Carrington       | McDonald         |
| Clark            | McGlasson        |
| Cleveland        | McMurry          |
| Coker            | McNamara         |
| Colson, Mrs.     | Manford          |
| Connelly         | Manning          |
| Craig            | Markle           |
| Crossley         | Martin           |
| Crothwait        | Matthews         |
| Davis            | Montgomery       |
| Deen             | Moore            |
| Dickson of Nolan | Morgan           |
| Donald           | Morris           |
| Dove             | Morse            |
| Duckett          | Murray           |
| Dwyer            | Pace             |
| Ellis            | Parker           |
| Eubank           | Pevehouse        |
| Favors           | Phillips         |
| Ferguson         | Price            |
| Files            | Rampy            |
| Fitzgerald       | Reed of Bowie    |
| Fuchs            | Reed of Dallas   |
| Gandy            | Ridgeway         |
| Garland          | Roark            |
| Gilmer           | Roberts          |
| Goodman          | Rhodes           |
| Halsey           | Sallas           |
| Hanna            | Senterfitt       |
| Hardeman         | Simpson          |
| Hargis           | Skiles           |
| Harris of Dallas | Smith of Bastrop |
| Hartzog          | Spacek           |
| Heflin           | Spangler         |
| Helpinstill      | Stanford         |
| Henderson        | Stinson          |
| Hileman          | Stubbs           |
| Hobbs            | Turner           |
| Howard           | Vale             |
| Howington        | Voigt            |
| Hoyo             | Walters          |

Wattner  
White

Whitesides

Absent

|                |             |
|----------------|-------------|
| Bullock        | King        |
| Cato           | McAlister   |
| Celaya         | McLellan    |
| Chambers       | Nicholson   |
| Daniel         | Sharpe      |
| Harris of Hill | Shell       |
| Huffman        | Taylor      |
| Isaacks        | Weatherford |
| Kinard         |             |

Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Thornton          |
| Evans            | Winfree           |
| Kersey           |                   |

#### HOUSE BILL NO. 611 ON SECOND READING

On motion of Mr. Stubbs, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 611.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 611, A bill to be entitled "An Act to amend and re-enact Senate Bill No. 36, Acts, 46th Legislature, Regular Session, entitled: An Act creating a State Department of Public Welfare for the State of Texas; prescribing its rights, powers, functions, and duties; creating and providing for a State Board of Public Welfare; prescribing its rights, powers and duties; defining certain terms; providing for the administration of this Act; providing for payment of Old-Age Assistance; providing for assistance to needy blind persons, dependent and destitute children, and persons or families who are in dependent and needy circumstances; accepting for the State of Texas all of the provisions of the Federal Social Security Act, enacted by the Congress of the United States and approved March 14, 1935; transferring all the rights, powers and duties of the Division of Child Welfare of the State Board of Control to the State Department of Public Welfare, etc.; and declaring an emergency."

The bill was read second time.

Question: Shall House Bill No. 611 pass to engrossment?

PROVIDING FOR THE PRINTING  
OF ADDRESS BY HON.  
COKE R. STEVENSON

Mr. Hoyo offered the following resolution:

H. S. R. No. 275, Providing for the printing of address of Hon. Coke R. Stevenson.

Whereas, The President and Congress of the United States designated Sunday, May 18, 1941, as "I Am An American Day," for the purpose of recognizing and inducting into citizenship those who have arrived at the age of twenty-one (21) within the year and those who have attained citizenship by reason of naturalization; and

Whereas, The citizens of Austin, Texas, celebrated said occasion in a fit and proper manner which was attended by thousands of citizens of Austin and the State of Texas; and

Whereas, An eminent statesman, a former Speaker of the House of Representatives, and our friend, the Honorable Coke R. Stevenson, Lieut. Governor of the State of Texas, delivered a most excellent address on said occasion and said address should be printed in the Journal of the House; now, therefore, be it

Resolved, That a copy of the address of the Honorable Coke Stevenson, Lieut. Governor of Texas, on said occasion be printed in the Journal of the House.

HOYO,  
CARRINGTON,  
STANFORD,  
RIDGEWAY,  
BENTON.

The resolution was read second time and was adopted.

ADDRESS OF HON. COKE  
STEVENSON

"I Am An American" Celebration, Austin, Texas,  
May 18, 1941.

Mayor Miller, Chief Justice Alexander, ladies and gentlemen, and my friends everywhere:

The significance of this day is one that can not be overestimated. It is somewhat like the custom of standing up in the old "camp meeting," to show which side we were

on. We who enjoy the privileges of the American way of life do not need a stimulant. We who enjoy its blessings do not need any argument in its favor. We who shoulder its responsibilities need nothing to convince us of its ever-living presence.

There is no necessity of a badge on the lapel of most of us. To advertise that one is an American is to create a shadow of doubt. It is somewhat analogous to advertising that one is honest. The man who labels himself as an honest man admits that his honesty has been questioned. If he is honest, his neighbors know it, and if he is indeed honest, he needs no spokesman to proclaim the fact. This is somewhat like the story of the mother who admonished her child never to ask a stranger what state he was from. She said, "If he is from any state other than Texas it will be embarrassing to him to admit it, and if he is from Texas, you will know it soon enough."

The same may be said of all of us who are true Americans. It would be embarrassing to admit that we are anything else except Americans in thought and deed, and if we are truly such, the world will learn of it soon enough.

There is occasion, however, for us to show the colors under which we march. We are accustomed to watching the flag of our country wave over federal possessions. But on special occasions each of us unfurls his own flag, even though it is the common banner—the stars and stripes forever; the colors of all humanity—red, white and blue. In such manner we celebrate the 4th of July, the 11th of November and Washington's birthday.

Referring again to that great American institution, the camp meeting, we are reminded of heroic spirits who rededicated themselves to the forces of righteousness. It was regarded as an opportunity, not for advertising one's virtues, but to reaffirm one's devotion to the ideals which prompted those virtues.

And so, today, we seize the opportunity to reaffirm our faith in the ideals of a system of living which we know as the American way.

The chief purpose of the "I am an American Day" is that of consecration for those of us who are distinctly American. The chief value

of this day to those who have recently become Americans is one of education. Let us keep in mind those twin purposes; reconsecration of the stalwart American and the education of the novice in American ideals. Education will not be resented by any of us, because, as Will Rogers said: "Everybody is ignorant, only on different subjects."

There is no test of race or religion to determine an American. A true American is one who is devoted to certain ideals of life which have been developed under our peculiar system of freedom. This freedom has been sought after throughout the ages by the depressed and the downtrodden.

Great progress has been made by the races of mankind as they have paraded the pages of history in an endeavor to free the body and the spirit from the bonds of the oppressor.

Much progress was made when the yeomanry of England wrested the concessions embodied in Magna Carta from King John at Runnymede in the year 1215. It is now more than 700 years since these apostles of liberty established the fundamentals of political freedom for the Anglo-Saxon race. This was the forerunner of many of the efforts in the Old World to free mankind from the chains of physical and mental slavery.

No slave of whatever character can be free. And no soul that yearns for liberty can be a slave. Progress in eliminating slavery in varying degrees was accomplished on the continent of Europe in the several centuries which followed the advent of Magna Carta. Most of these accomplishments were accompanied by violence and shedding of blood. Many a man and his mate sacrificed their lives in order that their children might enjoy some measure of liberty and freedom.

The ruling classes made no concessions without a violent struggle. The ambition for power and for wealth and the right to rule is one that has never been suppressed voluntarily. It has never been surrendered by those who exercise it except upon the insistent demands of the oppressed.

How fortunate then that the realm of the autocrat and the tyrant

was never established in these United States. The first settlements within our boundaries were made by people who were fleeing from the rigors of autocracy and tyranny in the lands across the sea. They believed in certain ideals and tenets of life and sought a new land in which to establish them. They believed in certain standards by which the physical, mental and moral qualities of men ought to be measured. They sought here a new opportunity to perpetuate these standards.

It would have been easy for the first settlers to have seized the reins of power and to have established tyranny and autocracy in this fair land of ours. There was no voice to tell them nay. There was no force to dispute with them in the exercise of authority in this new and virgin soil. The fact that such a system of government was not established is an index to the mind of the first Americans. It illustrates the views they held with reference to the rights of mankind.

It is true there were temporary periods in the life of the early colonists when the spirit of tyranny threatened the peace and prosperity of our forefathers. There were incidents such as the witchcraft period; and when religious fervor reached the zeal of a crusading force sufficient to threaten the liberties they had so recently embraced. It is a tribute, however, to the resourcefulness of our forefathers that they emerged finally victorious over every obstacle which the enemies of our American way of life hurled at them.

Most of the early settlers came here to enjoy religious liberty as well as political and intellectual liberty. The adherents of certain denominations settled as groups in various places. The Congregationalists in New England, the Baptists in Rhode Island, the Dutch Reformed sects in New York and New Jersey, the Quakers in Pennsylvania, the Catholics in Maryland, the Episcopalians in the Virginias and the Carolinas, and the Methodists in Georgia.

The unity of faith in these respective colonies prevailed to such an extent that at the time of the Revolutionary War, nine of the colonies had established a state religion. This was an encroachment on

religious liberty, which our leading statesmen acknowledged and sought to abolish.

When our present Federal Government was established, a complete separation of church from state, and government from religion was provided for. It has remained so until this present time and the only reason for reference to that period of our history which witnessed these encroachments on our liberties is to illustrate the struggles which these same liberties have encountered in order to be perpetuated.

Then for three quarters of a century the pattern of our liberty was clouded by the existence of physical slavery. This was finally abolished by the Civil War, another struggle involving four years of terrific bloodshed and economic destruction. Many of us in the southland do not approve of the methods employed by the conquering forces in this struggle.

We now realize, however, that it was a triumph for the fundamental principles of liberty. We could not now enslave any species of the human race without recognizing the right of another man to enslave us if he possessed the power to do so. We must never admit that such a right exists.

A true American rebels at the thought of physical, mental or moral bondage. We who reconsecrate ourselves today to the ideals of America have only to remember the cornerstones of our national existence. They are the political, spiritual, intellectual and economic rights and privileges of all the people. They are emblazoned throughout our dominion in signs so plain that he who runs may read. They have been the architects of the freedom which we enjoy. They have been the craftsmen who erected the shrines at which we worship and they are the artists who have ornamented the landscapes of our dwelling places.

In every struggle in which we have engaged for the preservation of the values represented by these ideals contributions have been made by our common effort. Such contributions have enriched our experience, fortified our determination, and justified our admiration.

A century ago Daniel Webster employed the great qualities of his

heart and soul in one of these momentous contests to prevent the encroachment of tyrannical conduct. He pleaded for the preservation of those cardinal principles which have always illuminated the citadels of our living. He said if they were perpetuated in all future generations, every boy and every girl would have the privilege of proudly saying, "I am an American."

The maintenance of these ideals is at once the solemn duty and responsibility of each and every citizen. I feel sometimes when I am discoursing on the history and philosophy of the American way of life that perhaps the women of my audience are uninterested. They have only to remember, however, that in no other country on the face of the earth can they enjoy the hundred and one privileges which are bestowed upon them in these United States. These privileges are not the result of an accident, but they are the products of constant effort in the development of the American way of life.

In every country which destroys freedom, women are the first victims. When the power of might asserts itself, the body of a woman is its most prized possession. She becomes the slave of caprice, the victim of desire, and the recipient of man's unbridled cruelty. Every message from the Old World today accentuates the miserable plight of women and children in those countries which have been outraged by the tyrant's heel.

The first concern of American women should be to uphold the hands of those who would preserve the privileges and benefits which she now enjoys. It may involve some sacrifice to maintain it. It may mean that she, like her husband, will be called upon to support our government with "toil, and sweat, and blood and tears."

She should always remember that despite our love for peace we have been a Nation of fighters when our rights are threatened. The Revolutionary War, the War of 1812, the Texas Revolution, the Mexican War, the Civil War, the Spanish-American War, and the World War were all engaged in by us in defense of our American ideals. We still adore the ways of peace. But I know that any

threat to our ideals of life will insure a call to arms and that we will fight again in order to maintain the institutions which we so proudly cherish.

On this day of national observance of the spirit of Americanism it is unnecessary to enumerate the benefits enjoyed by us under our present high standard of living. It is enough to remember without recounting. If it were necessary to enumerate them we could name them one by one until the lack of language forced a pause. It also is enough to point out that our entire standard of living is threatened today by the same forces of tyranny and oppression which have always sought to rob us of our heritage. We have been forcibly impressed by a statement in the recent expose of un-American activities by the author of "Out of the Night," that the convicts in American penitentiaries enjoy more liberties and comforts than the common citizens of the totalitarian states.

Hitherto we have always fought to repel the enemy and to preserve the heritage. My belief is that we will do so in the present crisis. The ism-borer from within and the covetous menace from without will be resisted to the last resource of an aroused people. If this means the necessity for war, then let us make the best of it, regrettable as the occasion may be. We should not abandon hope, however, that by redoubling our efforts in the National Defense Program we can forestall any attack upon us by the dictators of the Old World. If all of our citizens will become aroused to the necessity of concerted action, I have no doubt that the intensity of purpose displayed by us will create a profound impression upon the dictators. The forces represented by Mussolini and Hitler will realize the effect of the consternation in their ranks which the assertion of our rights will produce. Included in these is the right to protect our first line of defense. The outposts of this line are now held by the gallant forces of the British Empire. Whatever policy may be laid down by our President in regard to aiding these defenses of our civilization should receive the unstinted

and undivided support of every inhabitant of this country. Every person among us who enjoys the benefits of the American way should be proud to support the Commander in Chief in his efforts to maintain them.

And may we always in the contemplation of our cause of action be guided by the sentiments expressed by Lowell at a time when we were witnessing the storms of another crisis and he expressed the faith of every true American in these words:

"Truth forever on the scaffold,  
Wrong forever on the throne,  
Yet that scaffold sways the future  
And behind the dim unknown  
Standeth God within the shadows  
Keeping watch above his own."

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 301, to the Committee on Highways and Motor Traffic.

S. B. No. 469, to the Committee on Judicial Districts.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 83, "An Act amending Article 3726, Revised Civil Statutes, 1925, as amended by House Bill No. 73, First Called Session, 40th Legislature, relating to the admission of recorded instruments without proof, etc.; and declaring an emergency."

S. B. No. 292, "An Act to create a Gov. James Stephen Hogg Memorial Shrine, etc.; and declaring an emergency."

S. B. No. 312, "An Act creating the office of Criminal District Attorney in certain counties, etc.; and declaring an emergency."

H. C. R. No. 131, To grant W. F. Howell and wife permission to sue the State.



H. C. R. No. 142, Suspending certain Joint Rules to consider House Bill No. 42.

H. C. R. No. 114, Requesting the Board of Control to make certain investigation in regard to the use of cotton paper.

H. C. R. No. 141, Inviting Gene Autry to address a Joint Session of the Legislature.

H. B. No. 542, "An Act providing a special season on Mondays, Wednesdays and Fridays during the period December 1 to January 16 in Hopkins and Franklin Counties; providing a penalty for violation of this Act, repealing conflicting laws and declaring an emergency and the effective date of this Act."

H. B. No. 538, "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of Seventeen Thousand Two Hundred Dollars (\$17,200.00), not otherwise appropriated, to cover taxes due by the State of Texas to Fort Bend County, covering the years 1939 and 1940, inclusive, and the taxes to become due for the years 1941 and 1942; and declaring an emergency."

H. B. No. 354, "An Act conveying the title of the State of Texas to Lot Number Twelve (12) and Lot Number Thirteen (13), in Block Number Thirty-seven (37), of the original Townsite of Rosenberg, Fort Bend County, Texas, according to the plat of said town appearing of record in Volume P, pages one forty-six (146) and one forty-seven (147) of the Deed Records of Fort Bend County, Texas, acquired by the State under tax sale, to Mrs. Millie Wolf, to and for her separate use and benefit; and declaring an emergency."

H. B. No. 98, "An Act authorizing and directing the Board of Regents of the University of Texas to request the War and Navy Departments of the United States to establish and maintain military and naval training at said institution; and authorizing the Board of Regents to enter into contracts for such purposes; authorizing the Board of Regents to establish regulations as to credit toward degree requirements; providing the

training shall not be required for entrance or graduation; and declaring an emergency."

H. B. No. 494, "An Act authorizing the Commissioners' Court of any county having a population of not less than sixty thousand (60,000) and not more than eighty thousand (80,000), according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery or equipment belonging to said county to be used exclusively upon land belonging to such owner situated in said county, in the construction of terraces, dikes and ditches for the purposes of soil conservation and soil erosion prevention and for the purpose of constructing water tanks and reservoirs; and declaring an emergency."

H. B. No. 332, "An Act to amend Articles 120, 121, 127, 128, 133, 134 and 135 and to repeal Articles 122, 123, 124, 125 and 126 of Chapter Seven, Title Four of the Revised Civil Statutes of Texas, 1925, said Article 120, as hereby amended, to include the contagious disease known as yellows; the contagious disease known as 'peach mosaic'; the contagious disease known as 'phony peach' and other contagious diseases and other injurious insect pests, and including and naming certain trees and/or plants susceptible to such contagious diseases and/or injurious insect pests; said Article 121, as hereby amended, to include all provisions for determination of nuisances; abatement of nuisance; notice of existence of nuisance; notice period; etc.; and declaring an emergency."

H. B. No. 738, "An Act to amend Article 177 of Title 4, Chapter 1, of the Code of Criminal Procedure, to include in said Article 177 the offense of conversion by any executor, administrator or guardian having charge of any estate, real, personal or mixed, so that said Article 177 shall hereafter read as follows:"

H. B. No. 431, "An Act making it unlawful to sell tickets to any sports event, amusement or entertainment in Texas for which an admission charge is made, in excess of the purchase price of the ticket appearing thereon, without having procured a

license therefor from the Commissioner of Labor Statistics of the State of Texas; prohibiting the granting of any such license to any firm, partnership, association or corporation in the name of such; providing the procedure for the securing of a license and the license fee therefor; prescribing penalties; and declaring an emergency."

H. B. No. 76, "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1940, due the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before June 1, 1941, and providing further that this Act releasing penalties and interest shall not apply to cities, towns and villages and special school districts and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof, etc.; and declaring an emergency."

H. C. R. No. 146, Authorizing Certain Corrections in House Bill No. 411.

H. B. No. 875, "An Act to amend Article 5221-b, Vernon's Annotated Statutes of Texas, as amended, by adding a new section to be known as Section 8-A; defining certain additional terms; making provisions with reference to the authority of the Unemployment Compensation Commission to make reasonable rules and regulations regarding seasonal workers; and declaring an emergency."

H. B. No. 263, "An Act to amend Article 4742 of Chapter 3 of Title 78, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

#### HOUSE BILL ON FIRST READING

Mr. Morris asked unanimous con-

sent to introduce at this time, and have placed on first reading, House Bill No. 1039.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Morris:

H. B. No. 1039, A bill to be entitled "An Act defining and limiting the term "Intrastate business" as used in Article XIV, House Bill No. 8, Acts of the Regular Session, 47th Legislature; and declaring an emergency."

Referred to the Committee on Rules.

#### HOUSE JOINT RESOLUTION ON FIRST READING

Mr. Alsup asked unanimous consent to introduce at this time, and have placed on first reading, House Joint Resolution No. 40.

There was no objection.

The Speaker then laid the resolution before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Alsup and Mr. Crosthwait:

H. J. R. No. 40, "Proposing an amendment to Article 3, Section 51, of the Constitution of the State of Texas, by adding a new section, to be numbered Section 51e, authorizing the Legislature to provide for the relief of all persons or families in dependent and needy circumstances; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose."

Referred to the Committee on Constitutional Amendments.

#### BILL ORDERED NOT PRINTED

On motion of Mr. Morris, House Bill No. 1039 was ordered not printed.

#### RECESS

Mr. Reed of Bowie, moved that the House recess until 2:30 o'clock p. m., today.

Mr. Celaya moved that the House recess until 3:00 o'clock p. m., today.

The motion of Mr. Celaya prevailed and the House accordingly at 12:18 o'clock p. m., took recess until 3:00 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 3:00 o'clock p. m. and was called to order by the Speaker.

#### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for this afternoon, as follows:

Mr. Wattner, on account of important business, on motion of Mr. Rampy.

Mr. Hileman, on account of important business, on motion of Mr. Cato.

Mr. Fitzgerald, on account of important business, on motion of Mr. Crosthwait.

Mr. Harris of Dallas, on account of important business, on motion of Mr. Manford.

Mr. Manford, on account of important business, on motion of Mr. Harris of Dallas.

Mr. Nicholson, on account of illness, on motion of Mr. Burkett.

Mr. Skiles, on account of important business, on motion of Mr. Voigt.

#### HOUSE BILL NO. 1039 ON SECOND READING

Mr. Morris moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 1039 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—111

|                  |                  |
|------------------|------------------|
| Allison          | Humphrey         |
| Alsup            | Hutchinson       |
| Avant            | Isaacks          |
| Bailey           | Jones            |
| Baker            | Kelly            |
| Benton           | Kennedy          |
| Boone            | Klingeman        |
| Bray             | Knight           |
| Bridgers         | Lansberry        |
| Bruhl            | Lehman           |
| Bullock          | Leyendecker      |
| Bundy            | Little           |
| Burkett          | Lock             |
| Burnaman         | Love             |
| Carlton          | Lowry            |
| Carrington       | Lucas            |
| Cato             | Lyle             |
| Celaya           | McCann           |
| Chambers         | McGlasson        |
| Clark            | McLellan         |
| Cleveland        | McNamara         |
| Coker            | Manning          |
| Colson, Mrs.     | Markle           |
| Connelly         | Martin           |
| Craig            | Matthews         |
| Crossley         | Montgomery       |
| Crosthwait       | Morris           |
| Daniel           | Murray           |
| Davis            | Nicholson        |
| Deen             | Pace             |
| Dickson of Nolan | Pevehouse        |
| Donald           | Phillips         |
| Dove             | Price            |
| Duckett          | Rampy            |
| Ellis            | Reed of Bowie    |
| Eubank           | Reed of Dallas   |
| Ferguson         | Ridgeway         |
| Files            | Roark            |
| Fuchs            | Roberts          |
| Gandy            | Sallas           |
| Garland          | Senterfitt       |
| Halsey           | Simpson          |
| Hardeman         | Skiles           |
| Hargis           | Smith of Bastrop |
| Harris of Dallas | Spangler         |
| Harris of Hill   | Stinson          |
| Hartzog          | Stubbs           |
| Heflin           | Taylor           |
| Helpinstill      | Turner           |
| Henderson        | Vale             |
| Howard           | Voigt            |
| Howington        | Walters          |
| Hoyo             | Weatherford      |
| Huddleston       | White            |
| Huffman          | Whitesides       |
| Hughes           |                  |

#### Absent

|             |         |
|-------------|---------|
| Bean        | Brawner |
| Blankenship | Brown   |

Favors  
Gilmer  
Goodman  
Hanna  
Hobbs  
Kinard  
King  
McAlister  
McDonald  
McMurry

Moore  
Morgan  
Morse  
Parker  
Rhodes  
Sharpe  
Shell  
Spacek  
Stanford

Absent—Excused

Allen  
Anderson  
Bell  
Dickson of Bexar  
Dwyer  
Evans  
Fitzgerald  
Hileman

Kersey  
Manford  
Mills  
Smith of Atascosa  
Thornton  
Wattner  
Winfree

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1039, A bill to be entitled "An Act defining and limiting the term "intrastate business" as used in Article XIV, House Bill No. 8, Acts of the Regular Session, 47th Legislature; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 1039 ON  
THIRD READING

The Speaker then laid House Bill No. 1039 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111

|            |                  |
|------------|------------------|
| Allison    | Clark            |
| Alsup      | Cleveland        |
| Avant      | Coker            |
| Bailey     | Colson, Mrs.     |
| Baker      | Connelly         |
| Benton     | Craig            |
| Boone      | Crossley         |
| Bray       | Crothwait        |
| Bridgers   | Daniel           |
| Bruhl      | Davis            |
| Bullock    | Deen             |
| Bundy      | Dickson of Nolan |
| Burkett    | Donald           |
| Burnaman   | Dove             |
| Carlton    | Duckett          |
| Carrington | Ellis            |
| Cato       | Eubank           |
| Celaya     | Ferguson         |
| Chambers   | Files            |

Fuchs  
Gandy  
Garland  
Halsey  
Hardeman  
Hargis  
Harris of Dallas  
Harris of Hill  
Hartzog  
Heflin  
Helpinstill  
Henderson  
Howard  
Howington  
Hoyo  
Huddleston  
Huffman  
Hughes  
Humphrey  
Hutchinson  
Issacks  
Jones  
Kelly  
Kennedy  
Klingeman  
Knight  
Lansberry  
Lehman  
Leyendecker  
Little  
Lock  
Love  
Lowry  
Lucas  
Lyle  
McCann  
McGlasson

McLellan  
McNamara  
Manning  
Markle  
Martin  
Matthews  
Montgomery  
Morris  
Murray  
Nicholson  
Pace  
Pevehouse  
Phillips  
Price  
Rampy  
Reed of Bowie  
Reed of Dallas  
Ridgeway  
Roark  
Roberts  
Sallas  
Senterfitt  
Simpson  
Skiles  
Smith of Bastrop  
Spangler  
Stinson  
Stubbs  
Taylor  
Turner  
Vale  
Voigt  
Walters  
Weatherford  
White  
Whitesides

Absent

|             |          |
|-------------|----------|
| Bean        | McDonald |
| Blankenship | McMurry  |
| Brawner     | Moore    |
| Brown       | Morgan   |
| Favors      | Morse    |
| Gilmer      | Parker   |
| Goodman     | Rhodes   |
| Hanna       | Sharpe   |
| Hobbs       | Shell    |
| Kinard      | Spacek   |
| King        | Stanford |
| McAlister   |          |

Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Kersey            |
| Anderson         | Manford           |
| Bell             | Mills             |
| Dickson of Bexar | Smith of Atascosa |
| Dwyer            | Thornton          |
| Evans            | Wattner           |
| Fitzgerald       | Winfree           |
| Hileman          |                   |

(Mr. Reed of Dallas in the Chair.)

EXTENDING CONGRATULATIONS  
OF THE HOUSE TO HONORABLE  
AND MRS. HOMER  
LEONARD

Mr. Eubank offered the following resolution:

H. S. R. No. 276, Extending congratulations of the House to Speaker and Mrs. Homer Leonard.

Whereas, At the close of the Forty-fourth Legislature the Chairman of the Appropriations Committee was all astir about something that had nothing to do with appropriations; and

Whereas, One week after the Session closed a report was circulating that romance had blossomed in this usually serious and business-like Committee Room; and

Whereas, On May 19, 1935, at 2 o'clock in the afternoon this rumor proved to be true when, in a quiet ceremony, Homer Leonard and the lovely Miss Nona Byerly were wed; and

Whereas, Since 1935, the Homer Leonards have had lots of fun; lived through dark days and bright days, the sunniest of these days being when Barbara Mae and Marcia Fae came to bless their happy home; therefore, be it

Resolved, That the House of Representatives of the Forty-seventh Legislature of Texas congratulate Mr. and Mrs. Leonard on this their sixth anniversary; and be it further

Resolved, That the Chief Clerk be instructed to send Mrs. Leonard a token of iron which not only signifies their sixth anniversary but also typifies the strength and durability of this union; and be it further

Resolved, That we wish for them continued marital bliss, many blessings and much success and that a copy of this Resolution be sent to them.

EUBANK,  
CRAIG,  
REED of Dallas.

The resolution was read second time.

Signed—Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett,

Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Ridgeway, Rhodes, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Carrington the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

HOUSE BILL NO. 611 ON PASSAGE  
TO ENGROSSMENT

The Speaker laid before the House as pending business House Bill No. 611, to amend certain act creating a State Department of Public Welfare, etc., on its passage to engrossment.

The bill having been read second time on this morning.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 611, page 6, line 32 by adding after the words "four (4) years" the following:

"Next"

The amendment was adopted.

Mr. McNamara offered the following amendment to the bill:

Amend House Bill No. 611, page 13, by striking out lines 39 and 40 on page 13 and lines 1, 2, and 3 on page 14 and substituting in lieu thereof the following:

"An applicant for old-age assistance shall not be denied assistance because of the existence of a child or other relatives, except husband or wife, who is able to contribute to the applicant's support, and no inquiry shall be made into the financial ability of said child or other relative, except husband or wife, in determining applicant's eligibility. The applicant's child or other relative, except husband or wife, is to be treated by the State Department in the same way as any person not related to the applicant; any aid or contributions to the applicant from such child or other relative, except husband or wife, must actually exist in fact, or with reasonable certainty, be available in the future to constitute a resource to the applicant.

McNAMARA,  
DAVIS,  
McGLASSON.

The amendment was adopted.

Mr. McNamara offered the following amendment to the bill:

Amend House Bill No. 611, page 14, Section 21, line 10 by adding after the words "rules and regulations of the State Department" the following:

"A voluntary written statement by any child or other relative, except husband or wife, as to the amount and kind of aid or assistance he is contributing or expects to contribute to an applicant for old-age assistance shall be accepted by the State Department as prima facie evidence of the availability and amount of such contribution; provided, however, that actual contributions to the applicant must be considered by the State Department."

McNAMARA,  
DAVIS,  
McGLASSON.

The amendment was adopted.

Mr. Harris of Hill offered the following amendment to the bill:

Amend House Bill No. 611, page 13, Sec. 20. Subsection E, line 37, by adding after the word "decency" the following:

"Provided the resources of a relative other than husband or wife shall not be presumed or assumed to be the resources of the applicant except upon the verified assent of the relative."

HARRIS of Hill,  
PEVEHOUSE.

The amendment was adopted.

Mr. McNamara offered the following amendment to the bill:

Amend House Bill No. 611, page 7 by striking out all of Subsection i, from line 6 through line 22.

McNAMARA,  
DAVIS,  
McGLASSON.

(Speaker in the Chair.)

Mr. Hardeman moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. McNamara, it was adopted.

Mr. Martin moved to postpone further consideration of House Bill No. 611 until 11:00 o'clock a. m., next Monday.

On motion of Mr. Hardeman, the motion to postpone was tabled.

Mr. Reed of Bowie, moved to postpone further consideration of House Bill No. 611 until 10:00 o'clock a. m., next Friday.

On motion of Mr. Hardeman, the motion to postpone was tabled.

Mr. Love moved the previous question on the engrossment of House Bill No. 611 and the motion was not seconded.

Mr. McNamara offered the following amendments to the bill:

Amend House Bill No. 611, page 6, line 19 by adding after "e," and before "Assist other departments" the following:

"Determine the need and employa-

bility of persons for Federal Work Relief and "

McNAMARA,  
DAVIS,  
McGLASSON.

Amend House Bill No. 611, page 15 by striking out all of Section 25.

McNAMARA,  
DAVIS,  
McGLASSON.

Amend caption of House Bill No. 611, page 2, line 27 by adding after the words "approved March 14, 1935"; the following:

"and any amendments thereto."

McNAMARA,  
DAVIS,  
McGLASSON.

Amend House Bill Number 611, page 3, line 24 by inserting after the words "Regular Session," the following:

"Repealing House Bill No. 8, as amended by the Forty-sixth Legislature."

McNAMARA,  
DAVIS,  
McGLASSON.

Amend House Bill No. 611, page 4, line 29 by adding after the words "by taking the oath of office" the following:

"and giving bond."

McNAMARA,  
DAVIS,  
McGLASSON.

Amend House Bill No. 611, page 21 by adding a new section to be known as Section 51a to read as follows:

"House Bill No. 8, as amended by the Forty-sixth Legislature is hereby repealed."

McNAMARA,  
DAVIS,  
McGLASSON.

Amend House Bill No. 611, page 14, line 3 by adding a new subsection to be known as Subsection f, and to read as follows:

"An applicant for old-age assistance shall not be denied assistance because of the ownership of a resident homestead, as the term "resident homestead" is defined in the

Constitution and Laws of the State of Texas."

McNAMARA,  
DAVIS,  
McGLASSON.

The amendments were severally adopted.

Mr. McNamara offered the following amendment to the bill:

Amend House Bill No. 611, Section 44, page 21, line 15, by striking out in line 15 and lines 16, 17 and 18 everything after the words "grants shall be prorated" and substituting in lieu thereof the following:

"as the State Board of Public Welfare may direct."

McNAMARA,  
DAVIS,  
McGLASSON.

On motion of Mr. Hardeman, the amendment was tabled.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 611 was then passed to engrossment.

#### HOUSE BILL NO. 611 ON THIRD READING

Mr. Stubbs moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 611 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

|             |                  |
|-------------|------------------|
| Allison     | Burnaman         |
| Avant       | Carlton          |
| Bailey      | Carrington       |
| Baker       | Chambers         |
| Benton      | Clark            |
| Blankenship | Cleveland        |
| Boone       | Coker            |
| Bray        | Colson, Mrs.     |
| Bridgers    | Crossley         |
| Burkett     | Crosthwait       |
| Bruhl       | Daniel           |
| Bullock     | Deen             |
| Bundy       | Dickson of Nolan |

|             |                  |
|-------------|------------------|
| Donald      | Lowry            |
| Dove        | Lyle             |
| Duckett     | McCann           |
| Ellis       | McDonald         |
| Eubank      | McMurry          |
| Ferguson    | Manning          |
| Files       | Markle           |
| Fuchs       | Martin           |
| Garland     | Matthews         |
| Gilmer      | Montgomery       |
| Goodman     | Morgan           |
| Halsey      | Morris           |
| Hanna       | Morse            |
| Hargis      | Murray           |
| Heflin      | Pace             |
| Helpinstill | Parker           |
| Henderson   | Pevehouse        |
| Hobbs       | Price            |
| Howard      | Rampy            |
| Howington   | Reed of Dallas   |
| Hoyo        | Ridgeway         |
| Huddleston  | Roark            |
| Huffman     | Roberts          |
| Hughes      | Sallas           |
| Humphrey    | Senterfitt       |
| Hutchinson  | Smith of Bastrop |
| Isaacks     | Spacek           |
| Jones       | Spangler         |
| Kelly       | Stanford         |
| Kennedy     | Stinson          |
| King        | Stubbs           |
| Klingeman   | Taylor           |
| Knight      | Turner           |
| Lansberry   | Vale             |
| Lehman      | Voigt            |
| Leyendecker | Walters          |
| Little      | Weatherford      |
| Lock        | White            |
| Love        | Whitesides       |

## Nays—13

|                |               |
|----------------|---------------|
| Connelly       | McLellan      |
| Craig          | McNamara      |
| Davis          | Moore         |
| Favors         | Reed of Bowie |
| Harris of Hill | Rhodes        |
| Lucas          | Simpson       |
| McGlasson      |               |

## Absent

|         |           |
|---------|-----------|
| Alsup   | Hardeman  |
| Bean    | Hartzog   |
| Browner | Kinard    |
| Brown   | McAlister |
| Cato    | Phillips  |
| Celaya  | Sharpe    |
| Dwyer   | Shell     |
| Gandy   |           |

## Absent—Excused

|          |                  |
|----------|------------------|
| Allen    | Bell             |
| Anderson | Dickson of Bexar |

|                  |                   |
|------------------|-------------------|
| Evans            | Nicholson         |
| Fitzgerald       | Skiles            |
| Harris of Dallas | Smith of Atascosa |
| Hileman          | Thornton          |
| Kersey           | Wattner           |
| Manford          | Winfree           |
| Mills            |                   |

The Speaker then laid House Bill No. 611 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—104

|                  |                  |
|------------------|------------------|
| Allison          | Huddleston       |
| Avant            | Huffman          |
| Bailey           | Hughes           |
| Baker            | Humphrey         |
| Benton           | Hutchinson       |
| Blankenship      | Isaacks          |
| Boone            | Jones            |
| Bray             | Kelly            |
| Bridgers         | Kennedy          |
| Bruhl            | King             |
| Bullock          | Klingeman        |
| Bundy            | Knight           |
| Burkett          | Lansberry        |
| Burnaman         | Lehman           |
| Carlton          | Leyendecker      |
| Carrington       | Little           |
| Chambers         | Lock             |
| Clark            | Love             |
| Cleveland        | Lowry            |
| Coker            | Lyle             |
| Colson, Mrs.     | McCann           |
| Crossley         | McDonald         |
| Crosthwait       | McMurry          |
| Daniel           | Manning          |
| Deen             | Markle           |
| Dickson of Nolan | Martin           |
| Donald           | Matthews         |
| Dove             | Montgomery       |
| Duckett          | Morgan           |
| Ellis            | Morris           |
| Eubank           | Morse            |
| Ferguson         | Murray           |
| Files            | Pace             |
| Fuchs            | Parker           |
| Garland          | Pevehouse        |
| Gilmer           | Price            |
| Goodman          | Rampy            |
| Halsey           | Reed of Dallas   |
| Hanna            | Ridgeway         |
| Hargis           | Roark            |
| Heflin           | Roberts          |
| Helpinstill      | Sallas           |
| Henderson        | Senterfitt       |
| Hobbs            | Smith of Bastrop |
| Howard           | Spacek           |
| Howington        | Spangler         |
| Hoyo             | Stanford         |



|         |             |
|---------|-------------|
| Stinson | Voigt       |
| Stubbs  | Walters     |
| Taylor  | Weatherford |
| Turner  | White       |
| Vale    | Whitesides  |

Nays--13

|                |               |
|----------------|---------------|
| Connelly       | McLellan      |
| Craig          | McNamara      |
| Davis          | Moore         |
| Favors         | Reed of Bowie |
| Harris of Hill | Rhodes        |
| Lucas          | Simpson       |
| McGlasson      |               |

Absent

|         |           |
|---------|-----------|
| Alsup   | Hardeman  |
| Bean    | Hartzog   |
| Brawner | Kinard    |
| Brown   | McAlister |
| Cato    | Phillips  |
| Celaya  | Sharpe    |
| Dwyer   | Shell     |
| Gandy   |           |

Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Manford           |
| Anderson         | Mills             |
| Bell             | Nicholson         |
| Dickson of Bexar | Skiles            |
| Evans            | Smith of Atascosa |
| Fitzgerald       | Thornton          |
| Harris of Dallas | Wattner           |
| Hileman          | Winfree           |
| Kersey           |                   |

HOUSE BILL NO. 627 ON PASSAGE  
TO ENGROSSMENT

On motion of Mr. Hughes, (on Mr. Gilmer's suspension), the regular order of business was suspended to take up and have placed on its passage to engrossment, House Bill No. 627

The Speaker then laid before the House, on its passage to engrossment,

H. B. No. 627, A bill to be entitled "An Act to amend Section 12 of House Bill No. 821, Chapter 462, page 1144, Regular Session of the Forty-fifth Legislature, as amended by House Bill No. 102, Chapter 41, page 1924, Second Called Session of the Forty-fifth Legislature, as amended by House Bill No. 834, Chapter 1, page 427, Regular Session of the Forty-sixth Legislature, and to add thereto seven new sections to be known as Sections 23a, 23b, 23c, 23d,

23e, 23f and 23g; to authorize housing authorities to acquire by the exercise of the power of eminent domain any interest in real property; to create housing authorities for counties; to provide for the creation of regional housing authorities; to authorize the undertaking of housing projects for farmers of low income; and declaring an emergency."

The bill having heretofore been read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 627 was then passed to engrossment.

HOUSE BILL NO. 627 ON  
THIRD READING

Mr. Hughes moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 627 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95

|                  |                |
|------------------|----------------|
| Allison          | Ellis          |
| Alsup            | Ferguson       |
| Avant            | Files          |
| Baker            | Gandy          |
| Bean             | Garland        |
| Benton           | Gilmer         |
| Blankenship      | Goodman        |
| Boone            | Hardeman       |
| Bray             | Hargis         |
| Bridgers         | Harris of Hill |
| Bruhl            | Heflin         |
| Bullock          | Helpinstill    |
| Bundy            | Hobbs          |
| Carlton          | Howard         |
| Carrington       | Hoyo           |
| Chambers         | Huddleston     |
| Clark            | Huffman        |
| Cleveland        | Hughes         |
| Coker            | Hutchinson     |
| Colson, Mrs.     | Kelly          |
| Connelly         | Kennedy        |
| Crosthwait       | King           |
| Daniel           | Knight         |
| Deen             | Lansberry      |
| Dickson of Nolan | Lehman         |
| Dove             | Leyendecker    |
| Duckett          | Little         |

|            |                  |
|------------|------------------|
| Lock       | Rampy            |
| Love       | Reed of Dallas   |
| Lucas      | Ridgeway         |
| Lyle       | Rhodes           |
| McCann     | Roark            |
| McDonald   | Roberts          |
| McGlasson  | Sallas           |
| McLellan   | Senterfitt       |
| McMurry    | Simpson          |
| Manning    | Smith of Bastrop |
| Markle     | Spacek           |
| Martin     | Stanford         |
| Matthews   | Stinson          |
| Montgomery | Stubbs           |
| Moore      | Taylor           |
| Morse      | Turner           |
| Murray     | Vale             |
| Pace       | Walters          |
| Parker     | Weatherford      |
| Pevehouse  | Whitesides       |
| Price      |                  |

## Nays—15

|          |               |
|----------|---------------|
| Bailey   | Halsey        |
| Burkett  | Hanna         |
| Craig    | Howington     |
| Crossley | Jones         |
| Davis    | McNamara      |
| Eubank   | Reed of Bowie |
| Favors   | Spangler      |
| Fuchs    |               |

## Absent

|           |           |
|-----------|-----------|
| Brawner   | Kinard    |
| Brown     | Klingeman |
| Burnaman  | Lowry     |
| Cato      | McAlister |
| Celaya    | Morgan    |
| Donald    | Morris    |
| Dwyer     | Phillips  |
| Hartzog   | Sharpe    |
| Henderson | Shell     |
| Humphrey  | Voigt     |
| Isaacks   | White     |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Manford           |
| Anderson         | Mills             |
| Bell             | Nicholson         |
| Dickson of Bexar | Skiles            |
| Evans            | Smith of Atascosa |
| Fitzgerald       | Thornton          |
| Harris of Dallas | Wattner           |
| Hileman          | Winfree           |
| Kersey           |                   |

The Speaker then laid House Bill No. 627 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—90

|                  |                  |
|------------------|------------------|
| Allison          | Lehman           |
| Avant            | Leyendecker      |
| Baker            | Little           |
| Benton           | Lock             |
| Blankenship      | Love             |
| Boone            | Lucas            |
| Bray             | Lyle             |
| Bridgers         | McCann           |
| Bullock          | McDonald         |
| Bundy            | McGlasson        |
| Carlton          | McLellan         |
| Carrington       | McMurry          |
| Cato             | Manning          |
| Clark            | Markle           |
| Cleveland        | Martin           |
| Coker            | Matthews         |
| Connelly         | Montgomery       |
| Daniel           | Moore            |
| Deen             | Morgan           |
| Dickson of Nolan | Morris           |
| Dove             | Morse            |
| Duckett          | Murray           |
| Ellis            | Pace             |
| Ferguson         | Pevehouse        |
| Files            | Price            |
| Fuchs            | Rampy            |
| Garland          | Reed of Dallas   |
| Gilmer           | Ridgeway         |
| Goodman          | Rhodes           |
| Hardeman         | Roark            |
| Hargis           | Roberts          |
| Harris of Hill   | Sallas           |
| Helpinstill      | Senterfitt       |
| Henderson        | Simpson          |
| Howard           | Smith of Bastrop |
| Hoyo             | Spacek           |
| Huddleston       | Stanford         |
| Huffman          | Stinson          |
| Hughes           | Stubbs           |
| Hutchinson       | Taylor           |
| Kennedy          | Turner           |
| King             | Vale             |
| Klingeman        | Walters          |
| Knight           | Weatherford      |
| Lansberry        | Whitesides       |

## Nays—16

|          |               |
|----------|---------------|
| Bailey   | Halsey        |
| Burkett  | Hanna         |
| Craig    | Howington     |
| Crossley | Jones         |
| Davis    | McNamara      |
| Eubank   | Parker        |
| Favors   | Reed of Bowie |
| Gandy    | Spangler      |

## Absent

|         |          |
|---------|----------|
| Alsup   | Bruhl    |
| Brawner | Burnaman |
| Bean    | Celaya   |
| Brown   | Chambers |

|              |           |
|--------------|-----------|
| Colson, Mrs. | Kinard    |
| Crothwait    | Lowry     |
| Donald       | McAlister |
| Dwyer        | Phillips  |
| Hartzog      | Sharpe    |
| Heflin       | Shell     |
| Hobbs        | Skiles    |
| Humphrey     | Voigt     |
| Isaacks      | White     |
| Kelly        |           |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Kersey            |
| Anderson         | Manford           |
| Bell             | Mills             |
| Dickson of Bexar | Nicholson         |
| Evans            | Smith of Atascosa |
| Fitzgerald       | Thornton          |
| Harris of Dallas | Wattner           |
| Hileman          | Winfree           |

Mr. Hughes moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 122 ON SECOND READING

On motion of Mr. Morris, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 122.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 122, A bill to be entitled "An Act to amend Article 4590-a, Revised Civil Statutes of Texas, 1925, providing for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time.

Mr. Morris offered the following committee amendment to the bill:

Amend House Bill No. 122 by striking out all below the enacting clause and substituting therefor the following:

#### Section 1. Incorporation.

That from and after the passage of this Act, any seven or more persons, a majority of whom are superintendents of hospitals or physicians or surgeons licensed by the State Board of Medical Examiners, upon application to the Secretary of State of the State of Texas for a corporate charter, may be incorporated for the purpose of establishing, maintaining and operating a non-profit hospital service plan, whereby hospital care may be provided by said corporation through an established hospital or hospitals and sanitariums, as is hereinafter set forth.

#### Sec. 2. Applications.

That such corporation when organized shall be authorized to accept applicants, who may become members of said corporation, furnishing group hospital service under a contract, which shall entitle each member to such hospital care for such period of time as is provided therein; and that such corporations shall be governed by this Act and shall not be construed as being engaged in the business of insurance under the laws of this State. That such corporations organized and operated under the provisions of this Act shall not be required by any department of this State to post bond, or place deposits with any department of this State to begin and/or operate under this Act and the provisions of Title 78 of the Revised Civil Statutes of Texas, 1925, are hereby declared inapplicable to corporations organized and/or operated under this Act, except as hereinafter specifically provided.

#### Sec. 3. Corporations to be non-profit organizations.

The said corporations shall be governed and conducted as non-profit organizations for the sole purpose of offering and furnishing hospital services to its members, in consideration of the payment by such members of a definite sum for the hospital care so contracted to be furnished. The necessary expenses of said corporation may be paid from the premiums or payments collected, provided not more than twenty-five (25) per cent of all premiums received may be used for the acquisition of business and administering

the affairs of said corporation, including the cost of examination by the Board of Insurance Commissioners.

Sec. 4. Authority of corporations to contract.

That such corporations shall have the authority to contract with hospitals charging for services rendered, in such manner as to assure to each person holding a contract of said corporation the furnishing of hospital care such as may be agreed upon in the contract between said corporation and said member, with the right to said corporation to limit in said contract the type of disease for which it shall furnish hospital care.

Sec. 5. Prohibition against contracting for medical services.

That such corporations shall not contract to furnish to the member a physician or any medical services, nor shall said corporation contract to practice medicine in any manner, nor shall said corporation control or attempt to control the relations existing between said member and his or her physician, without restricting the right of the patient to obtain the services of any licensed doctor of medicine.

Sec. 6. Personnel of directors.

That at least a majority of the directors of such corporation must be at all times directors, superintendents or trustees of hospitals, which have contracted or may contract with such corporation to render its subscribers hospital care.

Sec. 7. Supervision.

That such corporation shall submit to the Board of Insurance Commissioners a plan of operation, together with a schedule of its dues to be charged and the amount of hospital service contracted to be rendered, which plan shall first be approved by the Board of Insurance Commissioners as fair and reasonable before said corporation shall engage in business. Board of Insurance Commissioners shall prescribe uniform—

Sec. 8. Membership certificates.

That every such corporation shall issue to its members a certificate of membership setting forth the contract between the corporation and the member and the period of such service and the rate per day or week

payable by said corporation for hospital service rendered to such member.

Sec. 9. Examination of books and records.

The Chairman of the Board of Insurance Commissioners shall once in every two (2) years, or oftener if he deems necessary, in person or by one or more examiners commissioned by him in writing, visit each corporation organized under this Act and examine its financial condition and its ability to meet its liabilities, as well as its compliance with the laws of Texas affecting the conduct of its business. He, or his commissioner-examiners, shall have free access to all books and papers of the corporation or agency thereof relating to the business and affairs of such corporation, and shall have power to summon and examine under oath the officers, agents and employees of such corporation, and any other person within the State relative to the affairs of such corporation.

Sec. 10. Expense of examination to be borne by corporation examined.

The cost of the time required in making such examination and audit, and all necessary expenses in connection therewith, shall be paid by the corporation upon presentation of a bill showing the charges made by the Department, which shall include the salaries, traveling expenses, hotel bills and other expenses of such auditors and/or examiners, together with all other expenses in connection with such examination. Each corporation or association incorporated under this Act shall be charged with the salary of the auditors and examiners for the time required in making such examination and the time required in connection with going to and coming from the place or places necessary in connection with such examination, together with all expenses incurred by such auditors and examiners, and in addition thereto such corporation or association, incorporated under this Act, shall be charged by the Commissioner with an amount equal to the salaries of the actuary, examination clerk or clerks, stenographers and all other employees in connection with the examination work in the Department

for the time said employees are performing duties in connection with the examination of such corporation so examined. The amounts so collected shall be paid into the Examination Fund of the State Treasury Department and paid out in accordance with the general examination laws.

Sec. 11. Corporations to pay bills after service rendered by hospital.

That said corporation shall not pay any of the funds collected from members or subscribers to any hospital until after said hospital shall have rendered the necessary hospital care to such subscriber or member.

Sec. 12. Bond of Treasurer.

The Treasurer of such corporation shall be required to give a fidelity bond with licensed corporate surety in such sum as may be determined by the officers of said corporation for the faithful handling of the funds of such corporation, and all funds collected from members or subscribers of such corporation shall be deposited to the account of such corporation in a State or National bank.

Sec. 13. Copy of contracts of hospitalization to be filed with Board of Insurance Commissioners.

All corporations operating under this Act shall, before the issuance of and placing on the market of any form of contract for hospitalization, file a copy of such form of policy with the Board of Insurance Commissioners. If the Board of Insurance Commissioners shall approve the form of contract of such hospitalization as complying with this Act, the same may thereafter be issued and sold. If the Board of Insurance Commissioners shall disapprove the contract, it may not be issued and sold, but any such corporation operating under this Act may institute a proceeding in any court of competent jurisdiction to review the Board's action thereon.

Sec. 14. Reports to Board of Insurance Commissioners.

That every such corporation shall annually, on or before the first day of March, file in the office of the Board of Insurance Commissioners a statement sworn to by at least two (2) of the principal officers of said corporation, showing its condition

on the 31st day of December then next preceding. The report to the Commission shall include an itemization of all expenses incurred for the period shown in the report, which expenses shall be in all things approved by said Commission. If the Commission shall find any expense items unnecessary or unreasonable, it shall make necessary rules eliminating same.

Sec. 15. Dissolution.

That any dissolution or liquidation of any such corporation or company, subject to the provisions of this Act, shall be under the supervision of the Board of Insurance Commissioners. In case of dissolution of any corporation formed under the provisions of this Act, certificate holders of such corporation shall be given priority over all claims except cost of liquidation, and every corporation or company subject to the provisions of this Act is hereby declared to be a charitable and benevolent corporation and shall be exempt from all taxes as a public welfare corporation.

Sec. 16. Investment of Funds.

Such corporations shall invest their funds only in such securities as are legal investments for the funds of stock casualty insurance companies incorporated and licensed under the laws of the State of Texas.

Sec. 17. Salaries of Directors.

No director of the corporation shall receive any salary, wages or commissions, but shall be allowed reasonable and necessary expenses for any meetings of the corporation, which shall not exceed five (5) during any calendar year; provided, however, the Board of Directors may elect officers of the corporation and pay said officers reasonable salaries for the duties which they may perform for said corporation.

Sec. 18. Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of any remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sen-

tences, clauses or phrases are declared unconstitutional.

Sec. 19. Laws in conflict with this Act held inapplicable.

That all laws or parts of laws in conflict with this Act are hereby declared inapplicable to any and all corporations chartered and operated under this Act.

Sec. 20.

The fact that under the present law there is no method set up by which to pay the expense of examination by the Board of Insurance Commissioners and supervision of companies operating under this Act, and the further fact that this legislation is needed to better protect the public health and welfare, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three separate days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Morris offered the following amendments to the committee amendment:

Amend House Bill No. 122, Section 11, line 22 of the printed bill by inserting the following:

"Said hospital shall guarantee the benefits of the certificates of membership issued by the corporation."

Amend House Bill No. 122, Section 1, line 30 of the printed bill by inserting after the word "sanitariums," the following:

"With which it has contracted for such care."

The amendments to the committee amendment were severally adopted.

Mr. Carrington offered the following amendment to the committee amendment:

Amend Section 7 of Committee Amendment No. 1 by adding the following:

"Provided however the Board of Insurance Commissioners shall prescribe uniform regulations, accounting forms, and examination requirements."

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 122 was then passed to engrossment.

### HOUSE BILL NO. 122 ON THIRD READING

Mr. Morris moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 122 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

|              |             |
|--------------|-------------|
| Allison      | Hargis      |
| Alsup        | Heflin      |
| Avant        | Helpinstill |
| Bailey       | Henderson   |
| Baker        | Howard      |
| Benton       | Hoyo        |
| Blankenship  | Huddleston  |
| Boone        | Huffman     |
| Bray         | Hughes      |
| Bridgers     | Humphrey    |
| Bruhl        | Hutchinson  |
| Bullock      | Isaacks     |
| Bundy        | Kelly       |
| Burkett      | Kennedy     |
| Carlton      | Kinard      |
| Carrington   | King        |
| Chambers     | Knight      |
| Coker        | Lansberry   |
| Colson, Mrs. | Lehman      |
| Connelly     | Leyendecker |
| Crossley     | Little      |
| Crosthwait   | Lock        |
| Daniel       | Love        |
| Davis        | Lowry       |
| Donald       | Lucas       |
| Dove         | Lyle        |
| Duckett      | McCann      |
| Ellis        | McDonald    |
| Eubank       | McGlasson   |
| Ferguson     | McLellan    |
| Files        | McMurry     |
| Fuchs        | McNamara    |
| Gandy        | Manning     |
| Garland      | Markle      |
| Gilmer       | Martin      |
| Goodman      | Matthews    |
| Hanna        | Montgomery  |
| Hardeman     | Moore       |

|                |                  |
|----------------|------------------|
| Morgan         | Sallas           |
| Morris         | Senterfitt       |
| Morse          | Simpson          |
| Murray         | Smith of Bastrop |
| Pevehouse      | Spacek           |
| Phillips       | Spangler         |
| Price          | Stanford         |
| Rampy          | Stinson          |
| Reed of Bowie  | Taylor           |
| Reed of Dallas | Turner           |
| Ridgeway       | Vale             |
| Rhodes         | Voigt            |
| Roark          | Weatherford      |
| Roberts        | White            |

**Nays—6**

|           |           |
|-----------|-----------|
| Craig     | Jones     |
| Favors    | Klingeman |
| Howington | Walters   |

**Present—Not Voting**

Harris of Hill

**Absent**

|                  |            |
|------------------|------------|
| Bean             | Halsey     |
| Brawner          | Hartzog    |
| Brown            | Hobbs      |
| Burnaman         | McAlister  |
| Cato             | Pace       |
| Celaya           | Parker     |
| Clark            | Sharpe     |
| Cleveland        | Shell      |
| Deen             | Skiles     |
| Dickson of Nolan | Stubbs     |
| Dwyer            | Whitesides |

**Absent—Excused**

|                  |                   |
|------------------|-------------------|
| Allen            | Kersey            |
| Anderson         | Manford           |
| Bell             | Mills             |
| Dickson of Bexar | Nicholson         |
| Evans            | Smith of Atascosa |
| Fitzgerald       | Thornton          |
| Harris of Dallas | Wattner           |
| Hileman          | Winfree           |

The Speaker then laid House Bill No. 122 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—104**

|         |             |
|---------|-------------|
| Allison | Blankenship |
| Alsup   | Boone       |
| Avant   | Bray        |
| Bailey  | Bridgers    |
| Baker   | Bruhl       |
| Benton  | Bullock     |

|              |                  |
|--------------|------------------|
| Bundy        | Little           |
| Burkett      | Lock             |
| Carlton      | Love             |
| Carrington   | Lowry            |
| Chambers     | Lucas            |
| Coker        | Lyle             |
| Colson, Mrs. | McCann           |
| Connelly     | McDonald         |
| Crossley     | McGlasson        |
| Crosthwait   | McLellan         |
| Daniel       | McMurry          |
| Davis        | McNamara         |
| Donald       | Manning          |
| Dove         | Markle           |
| Duckett      | Martin           |
| Ellis        | Matthews         |
| Eubank       | Montgomery       |
| Ferguson     | Moore            |
| Files        | Morgan           |
| Fuchs        | Morris           |
| Gandy        | Morse            |
| Garland      | Murray           |
| Gilmer       | Pevehouse        |
| Goodman      | Phillips         |
| Hanna        | Price            |
| Hardeman     | Rampy            |
| Hargis       | Reed of Bowie    |
| Heflin       | Reed of Dallas   |
| Helpinstill  | Ridgeway         |
| Henderson    | Rhodes           |
| Howard       | Roark            |
| Hoyo         | Roberts          |
| Huddleston   | Sallas           |
| Huffman      | Senterfitt       |
| Hughes       | Simpson          |
| Humphrey     | Smith of Bastrop |
| Hutchinson   | Spacek           |
| Issacks      | Spangler         |
| Kelly        | Stanford         |
| Kennedy      | Stinson          |
| Kinard       | Taylor           |
| King         | Turner           |
| Knight       | Vale             |
| Lansberry    | Voigt            |
| Lehman       | Weatherford      |
| Leyendecker  | White            |

**Nays—6**

|           |           |
|-----------|-----------|
| Craig     | Jones     |
| Favors    | Klingeman |
| Howington | Walters   |

**Present—Not Voting**

Harris of Hill

**Absent**

|          |                  |
|----------|------------------|
| Bean     | Celaya           |
| Brawner  | Clark            |
| Brown    | Cleveland        |
| Burnaman | Deen             |
| Cato     | Dickson of Nolan |

|           |            |
|-----------|------------|
| Dwyer     | Parker     |
| Halsey    | Sharpe     |
| Hartzog   | Shell      |
| Hobbs     | Skiles     |
| McAlister | Stubbs     |
| Pace      | Whitesides |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Kersey            |
| Anderson         | Manford           |
| Bell             | Mills             |
| Dickson of Bexar | Nicholson         |
| Evans            | Smith of Atascosa |
| Fitzgerald       | Thornton          |
| Harris of Dallas | Wattner           |
| Hileman          | Winfree           |

Mr. Morris moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 361 ON  
THIRD READING

On motion of Mr. Hobbs (on Mr. Duckett's suspension) the regular order of business was suspended to take up and have placed on its third reading House Bill No. 361.

The Speaker then laid before the House, on its third reading and final passage,

H. B. No. 361, A bill to be entitled "An Act declaring the floods of Lavaca County, Texas, to be a public calamity; authorizing a donation and grant to Lavaca County Flood Control District of one-half of the State ad valorem taxes collected in Lavaca County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the Assessor and Collector of Taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing the procedure hereunder for all matters relating to said donation; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected, and declaring an emergency."

The bill was read third time.

Mr. Hanna moved to postpone further consideration of House Bill No. 361 until 11:00 o'clock a. m. May 27.

On motion of Mr. Hobbs the motion to postpone was tabled.

Mr. Favors offered the following amendment to the bill:

Amend H. B. No. 361, after the words "Lavaca County," wherever they appear with the words "and Gray County."

Mr. Hobbs raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

House Bill No. 361 failed to pass by the following vote:

Yeas—55

|              |                  |
|--------------|------------------|
| Avant        | Hutchinson       |
| Baker        | Kennedy          |
| Bean         | Little           |
| Boone        | Lock             |
| Brown        | Love             |
| Burnaman     | Lowry            |
| Carrington   | Lucas            |
| Cato         | Lyle             |
| Celaya       | McDonald         |
| Chambers     | McLellan         |
| Colson, Mrs. | Manning          |
| Daniel       | Montgomery       |
| Donald       | Morse            |
| Dove         | Pace             |
| Duckett      | Pevehouse        |
| Gilmer       | Phillips         |
| Goodman      | Rampy            |
| Hardeman     | Rhodes           |
| Hargis       | Roark            |
| Hartzog      | Sallas           |
| Heflin       | Smith of Bastrop |
| Helpinstill  | Spacek           |
| Henderson    | Stanford         |
| Hobbs        | Taylor           |
| Howard       | Vale             |
| Hoyo         | White            |
| Huddleston   | Whitesides       |
| Huffman      |                  |

Nays—63

|             |            |
|-------------|------------|
| Allison     | Cleveland  |
| Bailey      | Connelly   |
| Benton      | Craig      |
| Blankenship | Crossley   |
| Brawner     | Crosthwait |
| Bray        | Davis      |
| Bullock     | Deen       |
| Burkett     | Ellis      |
| Carlton     | Eubank     |
| Clark       | Favors     |



|                |                |
|----------------|----------------|
| Ferguson       | Martin         |
| Files          | Matthews       |
| Gandy          | Moore          |
| Garland        | Morgan         |
| Halsey         | Morris         |
| Hanna          | Murray         |
| Harris of Hill | Parker         |
| Howington      | Price          |
| Hughes         | Reed of Bowie  |
| Humphrey       | Reed of Dallas |
| Isaacks        | Ridgeway       |
| Jones          | Roberts        |
| King           | Senterfitt     |
| Knight         | Simpson        |
| Lansberry      | Spangler       |
| Lehman         | Stinson        |
| Leyendecker    | Stubbs         |
| McAlister      | Turner         |
| McCann         | Voigt          |
| McGlasson      | Walters        |
| McMurry        | Weatherford    |
| McNamara       |                |

Present—Not Voting

Alsup

#### Absent

|                  |           |
|------------------|-----------|
| Bridgers         | Kelly     |
| Bruhl            | Kinard    |
| Bundy            | Klingeman |
| Coker            | Markle    |
| Dickson of Nolan | Sharpe    |
| Dwyer            | Shell     |
| Fuchs            |           |

#### Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Manford           |
| Anderson         | Mills             |
| Bell             | Nicholson         |
| Dickson of Bexar | Skiles            |
| Evans            | Smith of Atascosa |
| Fitzgerald       | Thornton          |
| Harris of Dallas | Wattner           |
| Hileman          | Winfree           |
| Kersey           |                   |

Mr. Bray moved to reconsider the vote by which House Bill No. 361 failed to pass.

Mr. Craig moved to table the motion to reconsider.

The motion to table prevailed.

#### SENATE BILL NO. 414 ON SECOND READING

On motion of Mr. Coker, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading, Senate Bill No. 414.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 414, A bill to be entitled "An Act amending Chapter 467, Acts of the Second Called Session of the 44th Legislature, as amended by House Bill No. 8, Acts of the Third Called Session of the 44th Legislature, etc.; and declaring an emergency."

The bill was read second time.

Mr. Coker offered the following committee amendments to the bill:

Amend Senate Bill No. 414, subsection (e) of Section 24-A. 2. in Section 1 of the bill by striking out the words "temporary display of food products including beer for sale on the licensed premise" and inserting in lieu thereof the following: "temporary window display of beer for sale on the licensed premise."

Amend Senate Bill No. 414, Section 1, by adding after subsection (e) of Section 24-A. 2. a new subsection (f) to read as follows:

"(f). The Board shall have the power and authority and it is hereby made its duty to adopt rules and regulations authorizing such use of business cards, menu cards, stationery, and service equipment bearing advertisement of beer as the Board may find not to be in conflict with the purposes of this Act."

The committee amendments were severally adopted.

Mr. Deen offered the following amendment to the bill:

Amend Senate Bill No. 414, on page three, line thirty-four, following the words "or opening facing upon a street or highway" shall be added the words "and every advertisement as defined in this bill whether it be in a newspaper or on a bill-board, or any other place, must carry a picture of a skull and cross bones."

Mr. Simpson raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Speaker overruled the point of order.

Mr. Klingeman moved to table the amendment.

Question recurring on the motion to table yeas and nays were demanded.

The motion to table prevailed by the following vote:

**Yeas—78**

|              |                |
|--------------|----------------|
| Allison      | Knight         |
| Alsup        | Lansberry      |
| Avant        | Lehman         |
| Bailey       | Leyendecker    |
| Boone        | Little         |
| Bray         | Lock           |
| Brown        | Love           |
| Bruhl        | Lucas          |
| Bundy        | Lyle           |
| Burkett      | McCann         |
| Burnaman     | McDonald       |
| Carlton      | McGlasson      |
| Carrington   | McNamara       |
| Cato         | Markle         |
| Celaya       | Martin         |
| Clark        | Matthews       |
| Coker        | Montgomery     |
| Colson, Mrs. | Morris         |
| Crossley     | Morse          |
| Crosthwait   | Pace           |
| Daniel       | Parker         |
| Davis        | Phillips       |
| Donald       | Price          |
| Duckett      | Reed of Dallas |
| Ferguson     | Ridgeway       |
| Gilmer       | Sallas         |
| Goodman      | Senterfitt     |
| Hargis       | Simpson        |
| Hartzog      | Spacek         |
| Helpinstill  | Spangler       |
| Howard       | Stanford       |
| Hoyo         | Stubbs         |
| Huffman      | Taylor         |
| Hughes       | Turner         |
| Humphrey     | Vale           |
| Hutchinson   | Voigt          |
| Jones        | Walters        |
| Kennedy      | Weatherford    |
| Klingeman    | Whitesides     |

**Nays—34**

|           |                |
|-----------|----------------|
| Baker     | Files          |
| Benton    | Fuchs          |
| Bullock   | Gandy          |
| Cleveland | Garland        |
| Connelly  | Halsey         |
| Craig     | Hanna          |
| Deen      | Harris of Hill |
| Dove      | Heflin         |
| Ellis     | Henderson      |
| Eubank    | Huddleston     |
| Favors    | King           |

|           |               |
|-----------|---------------|
| Lowry     | Rampy         |
| McLellan  | Reed of Bowie |
| Moore     | Rhodes        |
| Morgan    | Roark         |
| Murray    | Roberts       |
| Pevehouse | Stinson       |

**Absent**

|                  |                  |
|------------------|------------------|
| Bean             | Isaacks          |
| Blankenship      | Kelly            |
| Brawner          | Kinard           |
| Bridgers         | McAlister        |
| Chambers         | McMurry          |
| Dickson of Nolan | Manning          |
| Dwyer            | Sharpe           |
| Hardeman         | Shell            |
| Hobbs            | Smith of Bastrop |
| Howington        | White            |

**Absent—Excused**

|                  |                   |
|------------------|-------------------|
| Allen            | <b>Manford</b>    |
| Anderson         | <b>Mills</b>      |
| Bell             | Nicholson         |
| Dickson of Bexar | Skiles            |
| Evans            | Smith of Atascosa |
| Fitzgerald       | Thornton          |
| Harris of Dallas | Wattner           |
| Hileman          | Winfree           |
| Kersey           |                   |

Mr. McGlasson moved the previous question on the passage of Senate Bill No. 414 to third reading, and the main question was ordered.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Craig moved to reconsider the vote by which the previous question was ordered.

Mr. Coker moved to table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 414 was then passed to third reading.

Mr. Coker moved to reconsider the vote by which the bill was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

**MOTION TO PLACE SENATE BILL NO. 414 ON THIRD READING**

Mr. Coker moved that the Constitutional Rule requiring bills to be

read on three several days be suspended, and that Senate Bill No. 414 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—73

|                |             |
|----------------|-------------|
| Allison        | Isaacks     |
| Alsup          | Jones       |
| Avant          | Kelly       |
| Bean           | Kennedy     |
| Bruhl          | Kinard      |
| Bullock        | King        |
| Bundy          | Klingeman   |
| Burkett        | Knight      |
| Carrington     | Lehman      |
| Cato           | Leyendecker |
| Celoya         | Little      |
| Cleveland      | Lock        |
| Coker          | Love        |
| Colson, Mrs.   | McCann      |
| Connelly       | McGlasson   |
| Crossley       | McMurry     |
| Crosthwait     | McNamara    |
| Daniel         | Manning     |
| Davis          | Martin      |
| Deen           | Morris      |
| Donald         | Morse       |
| Dove           | Murray      |
| Duckett        | Pace        |
| Ellis          | Pevehouse   |
| Favors         | Phillips    |
| Ferguson       | Roberts     |
| Gilmer         | Sallas      |
| Halsey         | Senterfitt  |
| Hanna          | Shell       |
| Hargis         | Spangler    |
| Harris of Hill | Taylor      |
| Helpinstill    | Turner      |
| Howard         | Vale        |
| Huddleston     | Weatherford |
| Huffman        | White       |
| Humphrey       | Whitesides  |
| Hutchinson     |             |

## Nays—48

|             |           |
|-------------|-----------|
| Bailey      | Eubank    |
| Baker       | Files     |
| Benton      | Fuchs     |
| Blankenship | Gandy     |
| Boone       | Garland   |
| Bray        | Hartzog   |
| Bridgers    | Heflin    |
| Brown       | Henderson |
| Burnaman    | Hobbs     |
| Carlton     | Howington |
| Chambers    | Hoyo      |
| Clark       | Hughes    |
| Craig       | Lansberry |

|            |                |
|------------|----------------|
| Lowry      | Rampy          |
| Lucas      | Reed of Bowie  |
| Lyle       | Reed of Dallas |
| McAlister  | Ridgeway       |
| McLellan   | Rhodes         |
| Markle     | Roark          |
| Matthews   | Simpson        |
| Montgomery | Spacek         |
| Morgan     | Stinson        |
| Parker     | Voigt          |
| Price      | Walters        |

## Absent

|                  |                  |
|------------------|------------------|
| Brawner          | Manford          |
| Dickson of Bexar | Moore            |
| Dickson of Nolan | Nicholson        |
| Dwyer            | Sharpe           |
| Goodman          | Skiles           |
| Hardeman         | Smith of Bastrop |
| Harris of Dallas | Stanford         |
| McDonald         | Stubbs           |

## Absent—Excused

|            |                   |
|------------|-------------------|
| Allen      | Kersey            |
| Anderson   | Mills             |
| Bell       | Smith of Atascosa |
| Evans      | Thornton          |
| Fitzgerald | Wattner           |
| Hileman    | Winfree           |

## BILL LAID ON THE TABLE

On motion of Mr. Rampy, House Bill No. 758 was laid on the table.

## BILL ORDERED NOT PRINTED

On motion of Mr. Lucas, Senate Bill No. 301 was ordered not printed.

HOUSE BILL NO. 615 ON  
SECOND READING

On motion of Mr. Ferguson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 615.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 615, A bill to be entitled "An Act relating to taxes in common school districts; authorizing districts to increase tax levies for debt service to one dollar and total tax for maintenance and bonds to not more than one dollar and fifty cents under the circumstances prescribed in

this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### HOUSE BILL NO. 615 ON THIRD READING

Mr. Ferguson moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 615 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—97

|                  |                |
|------------------|----------------|
| Allison          | Howington      |
| Alsup            | Hoyo           |
| Avant            | Huddleston     |
| Baker            | Huffman        |
| Benton           | Hughes         |
| Blankenship      | Isaacks        |
| Boone            | Jones          |
| Brown            | Kelly          |
| Bruhl            | Kennedy        |
| Bullock          | Kinard         |
| Bundy            | Knight         |
| Burkett          | Lehman         |
| Burnaman         | Leyendecker    |
| Carlton          | Little         |
| Carrington       | Lock           |
| Cato             | Love           |
| Chambers         | Lowry          |
| Cleveland        | Lucas          |
| Coker            | Lyle           |
| Colson, Mrs.     | McCann         |
| Connelly         | McDonald       |
| Crossley         | McLellan       |
| Crosthwait       | McMurry        |
| Daniel           | Manning        |
| Deen             | Martin         |
| Dickson of Nolan | Matthews       |
| Donald           | Montgomery     |
| Dove             | Moore          |
| Ellis            | Morgan         |
| Favors           | Morris         |
| Ferguson         | Morse          |
| Files            | Murray         |
| Fuchs            | Pace           |
| Garland          | Parker         |
| Halsey           | Pevehouse      |
| Hanna            | Phillips       |
| Hargis           | Price          |
| Harris of Hill   | Reed of Bowie  |
| Hartzog          | Reed of Dallas |
| Heflin           | Ridgeway       |
| Helpinstill      | Rhodes         |
| Henderson        | Roberts        |
| Howard           | Sallas         |

Simpson  
Spacek  
Stanford  
Stubbs  
Taylor  
Turner

Vale  
Walters  
Weatherford  
White  
Whitesides

#### Nays—14

|            |            |
|------------|------------|
| Bray       | Lansberry  |
| Clark      | McGlasson  |
| Craig      | McNamara   |
| Davis      | Roark      |
| Eubank     | Senterfitt |
| Hardeman   | Spangler   |
| Hutchinson | Voigt      |

#### Present—Not Voting

Bailey

#### Absent

|                  |                  |
|------------------|------------------|
| Anderson         | Hobbs            |
| Bean             | Humphrey         |
| Brawner          | King             |
| Bridgers         | Klingeman        |
| Celaya           | McAlister        |
| Duckett          | Markle           |
| Dwyer            | Rampy            |
| Gandy            | Sharpe           |
| Gilmer           | Shell            |
| Goodman          | Smith of Bastrop |
| Harris of Dallas | Stinson          |

#### Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Bell             | Nicholson         |
| Dickson of Bexar | Skiles            |
| Evans            | Smith of Atascosa |
| Fitzgerald       | Thornton          |
| Hileman          | Wattner           |
| Kersey           | Winfree           |
| Manford          |                   |

The Speaker then laid House Bill No. 615 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—85

|          |              |
|----------|--------------|
| Allison  | Burkett      |
| Alsup    | Burnaman     |
| Avant    | Carlton      |
| Bailey   | Carrington   |
| Baker    | Cato         |
| Benton   | Chambers     |
| Boone    | Cleveland    |
| Bridgers | Coker        |
| Brown    | Colson, Mrs. |
| Bruhl    | Connelly     |

|                  |                |
|------------------|----------------|
| Crossley         | Lowry          |
| Daniel           | Lucas          |
| Dickson of Nolan | Lyle           |
| Donald           | McCann         |
| Dove             | McDonald       |
| Ellis            | McMurry        |
| Ferguson         | Manning        |
| Files            | Markle         |
| Fuchs            | Matthews       |
| Gandy            | Montgomery     |
| Garland          | Moore          |
| Hanna            | Morgan         |
| Hargis           | Morris         |
| Harris of Hill   | Morse          |
| Hartzog          | Pace           |
| Heflin           | Pevehouse      |
| Helpinstill      | Phillips       |
| Henderson        | Price          |
| Howard           | Reed of Bowie  |
| Howington        | Reed of Dallas |
| Hoyo             | Ridgeway       |
| Huddleston       | Rhodes         |
| Hughes           | Roberts        |
| Jones            | Sallas         |
| Kelly            | Stanford       |
| Kennedy          | Taylor         |
| Kinard           | Turner         |
| Knight           | Vale           |
| Lehman           | Walters        |
| Leyendecker      | Weatherford    |
| Little           | White          |
| Lock             | Whitesides     |
| Love             |                |

## Nays—32

|             |            |
|-------------|------------|
| Bean        | Klingeman  |
| Blankenship | Lansberry  |
| Bray        | McAlister  |
| Bundy       | McGlasson  |
| Clark       | McLellan   |
| Craig       | McNamara   |
| Davis       | Martin     |
| Deen        | Murray     |
| Eubank      | Parker     |
| Favors      | Roark      |
| Halsey      | Senterfitt |
| Hardeman    | Simpson    |
| Huffman     | Spacek     |
| Hutchinson  | Spangler   |
| Isaacks     | Stinson    |
| King        | Voigt      |

## Absent

|                  |                  |
|------------------|------------------|
| Anderson         | Fitzgerald       |
| Brawner          | Gilmer           |
| Bullock          | Goodman          |
| Celaya           | Harris of Dallas |
| Dickson of Bexar | Hobbs            |
| Duckett          | Humphrey         |
| Dwyer            | Nicholson        |

|        |                  |
|--------|------------------|
| Rampy  | Smith of Bastrop |
| Sharpe | Stubbs           |
| Shell  | Wattner          |

## Absent—Excused

|            |                   |
|------------|-------------------|
| Allen      | Manford           |
| Bell       | Mills             |
| Crosthwait | Skiles            |
| Evans      | Smith of Atascosa |
| Hileman    | Thornton          |
| Kersey     | Winfree           |

Mr. Ferguson moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

## MESSAGE FROM THE SENATE

Austin, Texas, May 19, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

H. C. R. No. 148, Inviting H. V. Kaltenborn to address a Joint Session of the Legislature.

H. C. R. No. 115, Requesting consideration of the Undersecretary of War and the office of Production Management, Washington, D. C., as to the construction of munitions plants in Texas Panhandle.

## Passed

S. B. No. 472, A bill to be entitled "An Act creating and establishing Erath County Road District No. 4 in Erath County, Texas, etc.; and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act creating and establishing Erath County Road District No. 5 in Erath County, Texas, etc.; and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## SENATE BILLS ON FIRST READING

The following Senate bills received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 472, to the Committee on Counties.

S. B. No. 473, to the Committee on Counties.

BILLS AND RESOLUTIONS  
SIGNED BY THE  
SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally the following enrolled bills and resolutions:

H. C. R. No. 89, To grant W. D. Muncy and wife permission to sue the State.

H. B. No. 378, "An Act making appropriations to pay the Presidential Electors of Texas, providing how it shall be made; and declaring an emergency."

H. B. No. 1014, "An Act to validate all ad valorem tax levies heretofore made by certain cities and towns in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective cities and towns to make such levies by ordinance, or other procedural defect in levying and assessing taxes; and declaring an emergency."

H. B. No. 305, "An Act amending Sections 3, 4 and 6, Chapter 21, General and Special Laws, 43rd Legislature of Texas, Second Called Session, which amended Sections 4, 5 and 8, Chapter 241, General Laws of the 43rd Legislature of Texas, Regular Session, providing for the reduction of promoter's license fees and bond in cities of less than 25,000 population, providing for the appointment of a referee for a single bout by a deputy boxing commissioner, and fixing the fee therefor; providing for similar appointment of seconds, timekeepers, and other local officials for no license fee; providing for a thirty day boxer's license and fixing the fee therefor; and declaring an emergency."

H. B. No. 978, "An Act repealing House Bill No. 386 of the Regular Session of the 47th Legislature, amending Section 3 of House Bill No. 12 of the Second Called Session of

the 42nd Legislature so as to permit fishing for certain species of fish in McLennan County during the month of February of any year; repealing all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

H. B. No. 939, "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas operating under the provisions of the General Laws of Texas and having a population of more than five thousand (5,000) in the issuance and sale of bonds, to aid in financing certain public improvements for which a loan or grant has been made by any agent or agency of the United States Government, including election orders, notices of elections, returns of elections, and orders canvassing election returns, including among others, instances wherein there have been irregularities in the giving of notice of elections, notwithstanding the fact that the notice of election was not published on the same day in each of two successive weeks; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

H. B. No. 854, "An Act authorizing Independent School Districts, upon the order of its trustees, with the consent of the State Superintendent of Public Instruction, to sell, exchange and convey real property, or any part thereof, belonging to said school district, and to apply any proceeds to the purchase of necessary ground or to the building or repairing of school houses, or to the credit of the available school fund of the district, and validating all sales theretofore made by any district in substantial compliance with the provisions hereof; and declaring an emergency."

H. B. No. 218, "An Act to provide a hearing as to the sanity of persons who have previously been judicially declared to be of unsound mind; setting out procedure with reference thereto; and providing for venue of

said cause of action; and declaring an emergency "

#### HOUSE BILL ON FIRST READING

Mr. Whitesides asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1040.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the Appropriate Committee, as follows:

By Mr. Whitesides:

H. B. No. 1040, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts in which the State of Texas or its agencies own ten per cent or more in area of the land within the limits or boundaries of said independent school district authorizing said district to levy a tax for school purposes not to exceed One Dollar and Fifty Cents on each One Hundred Dollar valuation of property; limiting the amount of said tax rate which may be levied for bond purchases to a rate not to exceed fifty cents upon each One Hundred Dollar valuation of property; and providing that no tax rate shall be levied in such district except on a vote of the majority of the tax paying qualified voters and declaring an emergency."

Referred to the Committee on School Districts.

Mr. Chambers asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1041.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the Appropriate Committee, as follows:

By Mr. Chambers:

H. B. No. 1041, A bill to be entitled "An Act providing for the use of net weights in intrastate commerce transactions in cotton; providing for the standardization of bale

covering for cotton, and for other purposes; providing a penalty for the violation of this Act; providing a saving clause; and providing an effective date for this Act."

Referred to the Committee on Agriculture.

Mr. Kinard asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1042.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the Appropriate Committee, as follows:

By Mr. Kinard:

H. B. No. 1042, A bill to be entitled "An Act relinquishing to the City of Port Arthur, Texas, all right, to title and interest of the State of Texas in and to certain land described in House Bill No. 819, 42nd Legislature, approved May 18th, 1931, amending Section Two (2) of House Bill No. 819 and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

Mr. Kinard asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1043.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the Appropriate Committee, as follows:

By Mr. Kinard:

H. B. No. 1043, A bill to be entitled "An Act granting to the City of Port Arthur, Texas, all right, title and interest of the State of Texas to certain land within said City, and lying adjacent to the Sabine-Neches Canal, and lying between said Canal and Sabine Lake, and commonly known as the Canal Spoil Bank, and granting the said City of Port Arthur right, power and authority to locate, construct, own, lease, sell and maintain upon such land facilities for air ports and other improvements, and granting the said city the right and

authority to lease or sell such land and to issue franchises to others covering privileges accorded to the City of Port Arthur, and reserving all mineral rights to the State, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

### RECESS

On motion of Mr. Crosthwait the House at 5:40 o'clock p. m. took recess until 7:30 o'clock p. m. today.

### NIGHT SESSION

The House met at 7:30 o'clock p. m. and was called to order by the Speaker.

### LEAVES OF ABSENCE GRANTED

Leaves of absence were granted Members, as follows:

Mr. Morse for this evening on account of illness, on motion of Mr. Little.

Mr. Voigt for this evening on account of important business, on motion of Mr. Halsey.

Mr. Kersey and Mr. Bell for today on account of important business, on motion of Mr. Carlton.

Mr. Bray moved a call of the House for the purpose of maintaining a quorum, and the call was duly ordered.

Mr. Reed of Bowie moved to instruct the Sergeant at Arms to bring in all absent Members within the city not ill.

Mr. Lucas moved to table the motion by Mr. Reed of Bowie.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

### Yeas—40

|             |                |
|-------------|----------------|
| Avant       | Donald         |
| Bailey      | Dove           |
| Baker       | Ferguson       |
| Benton      | Harris of Hill |
| Blankenship | Hartzog        |
| Carrington  | Helpinstill    |
| Davis       | Henderson      |

|             |             |
|-------------|-------------|
| Hobbs       | Nicholson   |
| Hoyo        | Pace        |
| Kennedy     | Parker      |
| Klingeman   | Roark       |
| Knight      | Roberts     |
| Leyendecker | Sallas      |
| Little      | Shell       |
| Lock        | Simpson     |
| Lucas       | Stanford    |
| McMurry     | Stubbs      |
| Martin      | Taylor      |
| Matthews    | Weatherford |
| Montgomery  | Whitesides  |

### Nays—48

|                  |                |
|------------------|----------------|
| Allison          | Hardeman       |
| Alsup            | Hefin          |
| Bean             | Hileman        |
| Boone            | Jones          |
| Bridgers         | Lansberry      |
| Brown            | Love           |
| Bullock          | Lowry          |
| Bundy            | Lyle           |
| Carlton          | McAlister      |
| Cato             | McDonald       |
| Coker            | McGlasson      |
| Colson, Mrs.     | McLellan       |
| Connelly         | Manning        |
| Dickson of Nolan | Pevehouse      |
| Duckett          | Phillips       |
| Ellis            | Rampy          |
| Eubank           | Reed of Bowie  |
| Favors           | Reed of Dallas |
| Files            | Rhodes         |
| Fitzgerald       | Senterfitt     |
| Fuchs            | Spacek         |
| Garland          | Vale           |
| Halsey           | Walters        |
| Hanna            | White          |

### Present—Not Voting

Burkett

### Absent

|                  |            |
|------------------|------------|
| Brawner          | Howard     |
| Bray             | Howington  |
| Bruhl            | Huddleston |
| Burnaman         | Huffman    |
| Celaya           | Hughes     |
| Chambers         | Humphrey   |
| Clark            | Hutchinson |
| Cleveland        | Isaacks    |
| Craig            | Kelly      |
| Crossley         | Kinard     |
| Crosthwait       | King       |
| Daniel           | Lehman     |
| Deen             | McCann     |
| Dwyer            | McNamara   |
| Gandy            | Markle     |
| Gilmer           | Moore      |
| Goodman          | Morgan     |
| Hargis           | Morris     |
| Harris of Dallas | Murray     |



Price  
Ridgeway  
Sharpe  
Smith of Bastrop

Spangler  
Stinson  
Turner

**Absent—Excused**

Allen  
Anderson  
Bell  
Dickson of Bexar  
Evans  
Kersey  
Manford  
Mills

Morse  
Skiles  
Smith of Atascosa  
Thornton  
Voigt  
Wattner  
Winfree

Question then recurring on the motion by Mr. Reed of Bowie, that the Sergeant at Arms be instructed to bring in all absent Members within the city who are not ill, yeas and nays were demanded.

The motion prevailed by the following vote:

**Yeas—64**

|                  |                |
|------------------|----------------|
| Allison          | Lock           |
| Bean             | Love           |
| Boone            | Lowry          |
| Bray             | Lyle           |
| Bridgers         | McAlister      |
| Brown            | McDonald       |
| Bullock          | McGlasson      |
| Bundy            | McLellan       |
| Burkett          | McMurry        |
| Carlton          | McNamara       |
| Cato             | Manning        |
| Coker            | Montgomery     |
| Colson, Mrs.     | Moore          |
| Connelly         | Morgan         |
| Dickson of Nolan | Morris         |
| Duckett          | Phillips       |
| Eubank           | Rampy          |
| Files            | Reed of Bowie  |
| Fitzgerald       | Reed of Dallas |
| Fuchs            | Roark          |
| Garland          | Roberts        |
| Halsey           | Senterfitt     |
| Hanna            | Shell          |
| Hardeman         | Simpson        |
| Hartzog          | Spacek         |
| Heflin           | Stubbs         |
| Hileman          | Taylor         |
| Jones            | Vale           |
| King             | Walters        |
| Klingeman        | Weatherford    |
| Lansberry        | White          |
| Lehman           | Whitesides     |

**Nays—30**

|       |        |
|-------|--------|
| Alsup | Bailey |
| Avant | Baker  |

Benton  
Blankenship  
Carrington  
Davis  
Donald  
Ellis  
Favors  
Ferguson  
Harris of Hill  
Helpinstill  
Henderson  
Hobbs  
Hoyo

Kennedy  
Knight  
Leyendecker  
Little  
Lucas  
Martin  
Matthews  
Nicholson  
Pace  
Parker  
Pevehouse  
Sallas  
Stanford

**Absent**

|                  |                  |
|------------------|------------------|
| Brawner          | Howington        |
| Bruhl            | Huddleston       |
| Burnaman         | Huffman          |
| Celaya           | Hughes           |
| Chambers         | Humphrey         |
| Clark            | Hutchinson       |
| Cleveland        | Isaacks          |
| Craig            | Kelly            |
| Crossley         | Kinard           |
| Crosthwait       | McCann           |
| Daniel           | Markle           |
| Deen             | Murray           |
| Dove             | Price            |
| Dwyer            | Ridgeway         |
| Gandy            | Rhodes           |
| Gilmer           | Sharpe           |
| Goodman          | Smith of Bastrop |
| Hargis           | Spangler         |
| Harris of Dallas | Stinson          |
| Howard           | Turner           |

**Absent—Excused**

|                  |                   |
|------------------|-------------------|
| Allen            | Morse             |
| Anderson         | Skiles            |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Thornton          |
| Evans            | Voigt             |
| Kersey           | Wattner           |
| Manford          | Winfree           |
| Mills            |                   |

Mr. Bray moved to reconsider the vote by which the motion prevailed, and to table the motion to reconsider.

The motion to table prevailed.

The roll of the House was called and the following Members were present:

|             |             |
|-------------|-------------|
| Mr. Speaker | Benton      |
| Allison     | Blankenship |
| Alsup       | Boone       |
| Avant       | Bray        |
| Bailey      | Bridgers    |
| Baker       | Bullock     |
| Bean        | Bundy       |

|                |                |
|----------------|----------------|
| Burkett        | Leyendecker    |
| Burnaman       | Little         |
| Carlton        | Lock           |
| Carrington     | Love           |
| Cato           | Lowry          |
| Chambers       | Lucas          |
| Coker          | Lyle           |
| Colson, Mrs.   | McDonald       |
| Connelly       | McLellan       |
| Craig          | McMurry        |
| Crossley       | McNamara       |
| Crosthwait     | Manning        |
| Daniel         | Markle         |
| Davis          | Martin         |
| Donald         | Matthews       |
| Duckett        | Montgomery     |
| Ellis          | Moore          |
| Eubank         | Morgan         |
| Favors         | Morris         |
| Ferguson       | Nicholson      |
| Files          | Pace           |
| Fitzgerald     | Parker         |
| Fuchs          | Pevehouse      |
| Garland        | Phillips       |
| Gilmer         | Price          |
| Halsey         | Rampy          |
| Hardeman       | Reed of Bowie  |
| Hargis         | Reed of Dallas |
| Harris of Hill | Rhodes         |
| Hartzog        | Roark          |
| Heflin         | Roberts        |
| Helpinstill    | Sallas         |
| Henderson      | Senterfitt     |
| Hileman        | Simpson        |
| Hobbs          | Spacek         |
| Hoyo           | Stanford       |
| Huffman        | Stinson        |
| Hutchinson     | Stubbs         |
| Jones          | Taylor         |
| Kelly          | Thornton       |
| Kennedy        | Turner         |
| Kinard         | Vale           |
| King           | Walters        |
| Klingeman      | Weatherford    |
| Knight         | White          |
| Lansberry      | Whitesides     |
| Lehman         |                |

## Absent

|                  |                  |
|------------------|------------------|
| Brawner          | Harris of Dallas |
| Brown            | Howard           |
| Bruhl            | Howington        |
| Celaya           | Huddleston       |
| Clark            | Hughes           |
| Cleveland        | Humphrey         |
| Deen             | Isaacks          |
| Dickson of Nolan | McAlister        |
| Dove             | McCann           |
| Dwyer            | McGlasson        |
| Gandy            | Murray           |
| Goodman          | Ridgeway         |
| Hanna            |                  |

|        |                  |
|--------|------------------|
| Sharpe | Smith of Bastrop |
| Shell  | Spangler         |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Anderson         | Morse             |
| Bell             | Skiles            |
| Dickson of Bexar | Smith of Atascosa |
| Evans            | Voigt             |
| Kersey           | Wattner           |
| Manford          | Winfree           |

A quorum was announced present.

## BILL ORDERED NOT PRINTED

On motion of Mr. Hardeman, House Bill No. 502 was ordered not printed.

## BILL RECOMMITTED

On motion of Mr. Alsup, House Bill No. 255 was recommitted to the Committee on State Affairs.

INVITING HONORABLE CLAUDE  
PEPPER TO ADDRESS A  
JOINT SESSION OF THE  
LEGISLATURE

Mr. Morris offered the following resolution:

H. C. R. No. 151, Inviting Hon. Claude Pepper to address a Joint Session of the Legislature.

Whereas, The Honorable Claude Pepper, United States Senator from Florida, has contributed outstanding leadership in the enactment of H. R. 1776 and other measures for aid to the Democracies; and

Whereas, Senator Pepper is now making a tour of the Nation to mobilize the material and spiritual resources of the American citizenship for the defense and preservation of Democracy, and will visit the State of Texas within the next few days; and

Whereas, It would be fitting for the Legislature of the State of Texas to hear this distinguished United States Senator; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the Honorable Claude Pepper be invited to address a Joint Session of the House and Senate, at such time as will suit his convenience, and that a Joint Session be held for the

purpose of hearing an address by this distinguished American.

MORRIS,  
TAYLOR.

The resolution was read second time and was unanimously adopted.

RELATIVE TO HOUSE BILL  
NO. 76

Mr. Alsup offered the following resolution:

H. C. R. No. 152, Relative to House Bill No. 76.

Whereas, House Bill No. 76 passed both Houses of the Legislature at the Regular Session of the Forty-seventh Legislature, but failed to receive sufficient votes in the Senate to put same into immediate effect; and

Whereas, It is of vital importance to the people of Texas that this law be made operative immediately; and

Whereas, Section 39 of Article III of the Constitution of the State of Texas provides that laws passed by the Legislature shall take effect and go into force ninety (90) days after the adjournment of the Session at which they were enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall, by a vote of two-thirds of all the Members elected to each House otherwise direct; and

Whereas, The emergency is a part of, and expressed in the body of said House Bill No. 76; now, therefore, be it

Resolved, That the Legislature, by an affirmative vote of two-thirds of all the Members elected to each House, hereby directs that said House Bill No. 76 be in full force and effect from and after the passage of this resolution; the votes thereon to be taken by yeas and nays and entered upon the Journals of the respective Houses; the purpose of this resolution being to put said House Bill No. 76 into immediate effect without waiting for the expiration of the ninety (90) day period immediately following the adjournment of the Regular Session of the Forty-seventh Legislature; and be it further

Resolved, by the Legislature of the State of Texas, That said House Bill No. 76, including this resolu-

tion, is an emergency measure, and such emergency is hereby declared for the reasons herein and in said House Bill No. 76 stated; and on account of such emergency an imperative public necessity demands that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and said House Bill No. 76 and this resolution shall be in force and take effect from and after the passage hereof, and it is so enacted.

The resolution was read second time and was adopted by the following vote:

Yeas—105

|                  |                |
|------------------|----------------|
| Allison          | Harris of Hill |
| Alsup            | Hartzog        |
| Avant            | Heflin         |
| Bailey           | Helpinstill    |
| Baker            | Hileman        |
| Bean             | Hobbs          |
| Benton           | Hoyo           |
| Blankenship      | Humphrey       |
| Roone            | Hutchinson     |
| Brawner          | Kelly          |
| Bridgers         | Kennedy        |
| Bullock          | King           |
| Burkett          | Klingeman      |
| Burnaman         | Knight         |
| Carrington       | Leyendecker    |
| Cato             | Little         |
| Celaya           | Lock           |
| Chambers         | Love           |
| Clark            | Lowry          |
| Coker            | Lucas          |
| Colson, Mrs.     | Lyle           |
| Connelly         | McDonald       |
| Crossley         | McGlasson      |
| Crosthwait       | McLellan       |
| Daniel           | McMurry        |
| Davis            | McNamara       |
| Donald           | Manning        |
| Duckett          | Markle         |
| Ellis            | Martin         |
| Eubank           | Matthews       |
| Favors           | Montgomery     |
| Ferguson         | Moore          |
| Files            | Morgan         |
| Fitzgerald       | Morris         |
| Fuchs            | Murray         |
| Gandy            | Pace           |
| Garland          | Parker         |
| Goodman          | Pevehouse      |
| Halsey           | Phillips       |
| Hanna            | Price          |
| Hardeman         | Rampy          |
| Hargis           | Reed of Bowie  |
| Harris of Dallas | Reed of Dallas |

|            |             |
|------------|-------------|
| Rhodes     | Taylor      |
| Roark      | Thornton    |
| Roberts    | Turner      |
| Sallas     | Vale        |
| Senterfitt | Voigt       |
| Shell      | Walters     |
| Simpson    | Weatherford |
| Spacek     | White       |
| Stinson    | Whitesides  |
| Stubbs     |             |

**Nays—10**

|           |           |
|-----------|-----------|
| Bray      | Jones     |
| Carlton   | Kinard    |
| Craig     | Lansberry |
| Gilmer    | Nicholson |
| Henderson | Stanford  |

**Absent**

|                  |                  |
|------------------|------------------|
| Brown            | Huffman          |
| Bruhl            | Hughes           |
| Bundy            | Isaacks          |
| Cleveland        | Lehman           |
| Deen             | McAlister        |
| Dickson of Nolan | McCann           |
| Dove             | Ridgeway         |
| Dwyer            | Sharpe           |
| Howard           | Smith of Bastrop |
| Howington        | Spangler         |
| Huddleston       |                  |

**Absent—Excused**

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Anderson         | Morse             |
| Bell             | Skiles            |
| Dickson of Bexar | Smith of Atascosa |
| Evans            | Wattner           |
| Kersey           | Winfree           |
| Manford          |                   |

(Mr. Carlton in the Chair.)

(Speaker in the Chair.)

Mr. Harris of Dallas moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

The motion was lost.

**HOUSE BILL NO. 983 on  
SECOND READING**

On motion of Mr. McLellan the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 983.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 983, A bill to be entitled "An Act repealing Article 1350, Re-

vised Civil Statutes of Texas, 1925; amending Article 1351 so as to make the penalty therein provided apply specifically to Articles 1348 and 1349, Revised Civil Statutes of Texas, 1925; amending Article 1351, Revised Civil Statutes and Article 213, Penal Code of Texas, to prohibit corporations, their officers, directors, stockholders, employees and agents acting in their behalf, from expending or promising to expend any money or thing of value in order to aid or hinder the nomination or election of any person to public office or to influence the vote on any question submitted to the voters; providing for an exception in elections directly affecting the granting, refusing, existence, or value of a franchise of a corporation which has the right of eminent domain, and providing that in such elections, all means of publicity employed by such corporation shall be identified as pay for by it; etc., and declaring an emergency."

The bill was read second time.

Mr. Hartzog offered the following committee amendment to the bill:

Amend House Bill No. 983, Section 3, Sub-division C, by striking out all of said sub-division C, and inserting in lieu thereof the following:

"(c) If any corporation authorized by Section (b) thereof, or if any person, partnership or association makes any expenditure or incurs any obligation directly or indirectly in excess of five hundred (\$500) Dollars for the purpose of influencing an election of the character described in Section (b) thereof, it shall be the duty of such corporation, person, partnership or association to file with the governing body of the political subdivision in which such election is held and also with the Secretary of State by mail, not more than ten (10) days nor less than five (5) days before the date of such election and also within ten (10) after the date of such election, itemized, verified accounts correctly showing as of the date of filing, the amounts of money and description and value of all things given, paid, expended and contributed and the names of the recipients thereof and all amounts of money

and description and value of all things promised or obligated to be given, paid, expended, and contributed, and the names of the promises thereof, by such corporation, person, partnership or association, in connection with such election; all such accounts to be verified under oath by an officer of such corporation, or by such person or member of the partnership or association as the case may be; provided, however, that no such corporation, person, partnership, or association may give, pay, expend, contribute or promise to give, pay, expend or contribute money and things of value exceeding a sum equivalent to twelve per cent of the gross revenues of such corporation for the preceding calendar year within the district, municipality, or political subdivision in which such election is held; provided further than such amounts expended may not, in fixing rates to be charged by such corporation, be charged as operating cost or capital. Any corporation, person, partnership or association which shall fail to file the accounts as provided herein or if the same be false in any material respect; or if such expenditures shall exceed the limitation of expenditures provided herein, shall be subject to the penalties hereinafter provided.

Mr. McLellan offered the following substitute for the amendment by Mr. Hartzog:

Amend House Bill No. 983, Sections 3 and 4, Subdivision (c) by striking out the words and figures "in excess of five hundred (\$500) dollars."

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

Mr. Hartzog offered the following committee amendment to the bill:

Amend House Bill No. 983, Section 4, sub-division "C" by striking out all of said sub-division "C" and inserting in lieu thereof the following:

"(c) If any corporation authorized by Section (b) hereof, or if any person, partnership or association makes any expenditure or incurs any obligation directly or indirectly in

excess of Five Hundred (\$500) Dollars, for the purpose of influencing an election of the character described in Section (b) hereof, it shall be the duty of such corporation, person, partnership or association to file with the governing body of the political subdivision in which such election is held and also with the Secretary of State by mailing to him not more than ten, nor less than 5 days before the date of such election and also within ten (10) days after the date of such election, itemized, verified, accounts correctly showing as of the date of filing, the amounts of money and description and value of all things given, paid, expended and contributed and the names of the recipients thereof and all amounts of money and description and value of all things promised or obligated to be given, paid, expended and contributed, and the names of the promises thereof, by such corporation, person, firm or association, in connection with such election; all such accounts to be verified under oath by an officer of such corporation, or by such person or member of the partnership or association as the case may be; provided, however, that no such corporation, person, partnership or association may give, pay, expend or contribute money and things of value of the total amount exceeding a sum equivalent to twelve per cent of the gross revenues of such corporation for the preceding calendar year within the district, municipality or political subdivision in which such election is held; provided further that such amounts expended may not, in fixing rates to be charged by such corporation, be charged as operating cost or capital. Any corporation, person, partnership or association which shall fail to file the accounts as provided herein or if the same be false in any material respect; or if such expenditures shall exceed the limitation of expenditures provided herein, shall be subject to the penalties hereinafter provided.

Mr. Hartzog offered the following substitute for the committee amendment:

Amend House Bill No. 983, Section 3, page 3, by striking out all

of paragraph "(c)" and inserting in lieu thereof the following: and amend section 4 subdivision "C" by striking out all of said subdivision "C" and insert in lieu thereof the following:

"(c)" If any corporation authorized by Section (b) hereof, or if any person, partnership or association makes any expenditure or incurs any obligation directly or indirectly for the purpose of influencing an election of the character described in Section (b) hereof, it shall be the duty of such corporation, person, partnership or association to file with the governing body of the political subdivision in which such election is held and also with the Secretary of State by mail, not more than ten days nor less than five days before the date of such election and also within ten (10) days after the date of such election, itemized, verified accounts correctly showing as of the date of filing, the amounts of money and description and value of all things given, paid, expended and contributed and the names of the recipients thereof and all amounts of money and description and value of all things promised or obligated to be given, paid, expended and contributed, and the names of the promisees thereof, by such corporation, person, firm or association, in connection with such election; all such accounts to be verified under oath by any officer of such corporation, or by such person or member of the partnership or association as the case may be; provided, however, that no such corporation, person, partnership or association may give, pay, expend, contribute or promise to give, pay, expend or contribute money and things of value of the total amount exceeding Seven Hundred Fifty (\$750.00) Dollars, or exceeding Twenty-five Dollars for each one hundred population of the district, municipality or political subdivision according to the last preceding Federal Census in which such election is held, whichever amount is greater; provided further that such amounts expended may not, in fixing rates to be charged by such corporation, be charged as operating cost or capital. Any corporation, person, partnership or association failing to file the ac-

counts as provided herein or filing an account which is false in any material respect, or violating the limitation on expenditures provided herein, shall be subject to the penalties hereinafter provided."

The substitute amendment was adopted.

The committee amendment as substituted, was then adopted.

Mr. Hardeman offered the following amendment to the bill:

Amend House Bill No. 983, Section 3, subsection b, by adding at the end thereof the following:

"Provided that nothing in this subsection shall be construed as permitting any such corporation to directly or indirectly give, pay, expend, or contribute or promise to give, pay, expend, or contribute any money or thing of value in order to aid or hinder the nomination or election of any person to any public office in this State."

The amendment was adopted.

Mr. Carlton moved to postpone further consideration of House Bill No. 983 until 10:00 o'clock a. m., next Friday.

On motion of Mr. McLellan, the motion to postpone was tabled.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Question recurring on the engrossment of House Bill No. 983, yeas and nays were demanded.

House Bill No. 983 was then passed to engrossment by the following vote:

Yeas—78

|             |              |
|-------------|--------------|
| Allison     | Celaya       |
| Alsup       | Chambers     |
| Bean        | Clark        |
| Benton      | Colson, Mrs. |
| Blankenship | Crosthwait   |
| Boone       | Daniel       |
| Brown       | Davis        |
| Bruhl       | Donald       |
| Bundy       | Duckett      |
| Carrington  | Ferguson     |

|                  |                |
|------------------|----------------|
| Fitzgerald       | McNamara       |
| Fuchs            | Manning        |
| Garland          | Martin         |
| Gilmer           | Montgomery     |
| Goodman          | Morris         |
| Halsey           | Murray         |
| Hanna            | Nicholson      |
| Hargis           | Pace           |
| Harris of Dallas | Parker         |
| Hartzog          | Pevehouse      |
| Heflin           | Price          |
| Henderson        | Rampy          |
| Hileman          | Reed of Dallas |
| Hobbs            | Ridgeway       |
| Howard           | Roark          |
| Humphrey         | Roberts        |
| Jones            | Sallas         |
| Kennedy          | Shell          |
| Kinard           | Simpson        |
| Klingeman        | Spacek         |
| Knight           | Stanford       |
| Lehman           | Stinson        |
| Little           | Taylor         |
| Lock             | Thornton       |
| Lucas            | Turner         |
| Lyle             | Vale           |
| McGlasson        | Weatherford    |
| McLellan         | White          |
| McMurry          | Whitesides     |

## Nays—39

|                |               |
|----------------|---------------|
| Avant          | Hutchinson    |
| Bailey         | King          |
| Baker          | Lansberry     |
| Brawner        | Love          |
| Bray           | Lowry         |
| Bullock        | McCann        |
| Burkett        | McDonald      |
| Carlton        | Manford       |
| Coker          | Markle        |
| Connelly       | Matthews      |
| Craig          | Moore         |
| Crossley       | Morgan        |
| Ellis          | Phillips      |
| Eubank         | Reed of Bowie |
| Favors         | Rhodes        |
| Files          | Senterfitt    |
| Gandy          | Skiles        |
| Harris of Hill | Stubbs        |
| Helpinstill    | Walters       |
| Hoyo           |               |

## Absent

|                  |                  |
|------------------|------------------|
| Bridgers         | Huddleston       |
| Burnaman         | Huffman          |
| Cato             | Hughes           |
| Cleveland        | Isaacks          |
| Deen             | Kelly            |
| Dickson of Nolan | Leyendecker      |
| Dove             | McAlister        |
| Dwyer            | Sharpe           |
| Hardeman         | Smith of Bastrop |
| Howington        | Spangler         |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Anderson         | Morse             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Voigt             |
| Evans            | Wattner           |
| Kersey           | Winfree           |

MOTION TO PLACE HOUSE BILL  
NO. 983 ON THIRD READING

Mr McLellan moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 983 be placed on its third reading and final passage.

The motion was lost by the following vote not (receiving the necessary four-fifths vote):

## Yeas—75

|                  |                |
|------------------|----------------|
| Allison          | Kinard         |
| Alsup            | Klingeman      |
| Benton           | Knight         |
| Blankenship      | Lehman         |
| Boone            | Little         |
| Bridgers         | Lock           |
| Bruhl            | Love           |
| Bundy            | Lucas          |
| Carrington       | Lyle           |
| Cato             | McAlister      |
| Celaya           | McGlasson      |
| Chambers         | McLellan       |
| Colson, Mrs.     | McMurry        |
| Crosthwait       | McNamara       |
| Daniel           | Manning        |
| Davis            | Martin         |
| Donald           | Montgomery     |
| Duckett          | Morris         |
| Ferguson         | Murray         |
| Fitzgerald       | Pace           |
| Fuchs            | Parker         |
| Gilmer           | Pevehouse      |
| Goodman          | Price          |
| Halsey           | Rampy          |
| Hanna            | Reed of Dallas |
| Hardeman         | Roberts        |
| Hargis           | Sallas         |
| Harris of Dallas | Shell          |
| Hartzog          | Simpson        |
| Heflin           | Spacek         |
| Henderson        | Stanford       |
| Hileman          | Stinson        |
| Hobbs            | Turner         |
| Howard           | Vale           |
| Humphrey         | Weatherford    |
| Jones            | White          |
| Kelly            | Whitesides     |
| Kennedy          |                |

## Nays—40

|                |               |
|----------------|---------------|
| Avant          | Helpinstill   |
| Bailey         | Hoyo          |
| Baker          | Hutchinson    |
| Brawner        | King          |
| Bray           | Lansberry     |
| Bullock        | Lowry         |
| Burkett        | McCann        |
| Burnaman       | McDonald      |
| Carlton        | Markle        |
| Coker          | Matthews      |
| Connelly       | Moore         |
| Craig          | Phillips      |
| Crossley       | Reed of Bowie |
| Ellis          | Ridgeway      |
| Eubank         | Rhodes        |
| Favors         | Senterfitt    |
| Files          | Skiles        |
| Gandy          | Stubbs        |
| Garland        | Thornton      |
| Harris of Hill | Walters       |

## Absent

|                  |                  |
|------------------|------------------|
| Bean             | Hughes           |
| Brown            | Isaacks          |
| Clark            | Leyendecker      |
| Cleveland        | Morgan           |
| Deen             | Nicholson        |
| Dickson of Nolan | Roark            |
| Dove             | Sharpe           |
| Dwyer            | Smith of Bastrop |
| Howington        | Spangler         |
| Huddleston       | Taylor           |
| Huffman          |                  |

## Absent—Excused

|                  |                   |
|------------------|-------------------|
| Allen            | Mills             |
| Anderson         | Morse             |
| Bell             | Smith of Atascosa |
| Dickson of Bexar | Voigt             |
| Evans            | Wattner           |
| Kersey           | Winfree           |
| Manford          |                   |

HOUSE BILL NO. 692 ON  
SECOND READING

On motion of Mr. Daniel, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 692.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 692, A bill to be entitled "An Act amending Chapter I of Title 50, of the Revised Civil Statutes of the State of Texas by adding Article 2929a; providing that no person who has been elected or appoint-

ed to an executive or administrative public office in the State of Texas for a term of more than two years shall be eligible to run for nomination or election to any other public office the term of which would begin before the expiration of the term of the original office to which such person was elected or appointed, without first resigning from such original office; providing that no election official shall place the name of such ineligible person on the ballot for any election or certify his name as a candidate or nominee; and providing for enforcement of such law by injunction proceedings and other remedies provided in the laws of Texas concerning ineligible candidates; defining the term 'executive or administrative public office' to mean all public offices except the Legislature and Judicial offices of Members of the Legislature and Judges of the Courts of Texas."

The bill was read second time.

Mr. McAlister offered the following amendment to the bill:

Amend House Bill No. 692 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. No persons holding any State civil office, elective or appointive, where the compensation of such office or employment is fixed by law at a sum in excess of fifteen hundred dollars (\$1,500.00) per year, shall be eligible as a candidate for nomination for, or election to, an elective office of honor, trust, or emolument unless such person holding an elective office or an appointive office to any board, commission, or any other appointment, period of which is in excess of two years, shall tender a resignation of such office prior to the closing date for filing for such office for which he may have announced publicly his intention to be a candidate, and

Sec 2. Should the candidate fail to tender his resignation, then it shall be the duty of the Attorney General to bring action against him to declare the office said candidate then holds to be vacant, and the only evidence required by law for the Attorney General to prove is that the office holder has filed with the



proper officials an application to have his name placed upon the ballot as a candidate at the following election.

Nothing herein shall be construed to prohibit anyone from announcing for re-election to the office he holds at that time, and nothing herein shall be construed restraining an office holder from seeking election to any office in the event the term of office he then holds would terminate automatically by law prior to the time he would take the oath of office for which he has announced his candidacy.

Provided further, that the provisions of this law shall not apply to Members of the Legislature.

Sec. 3. The fact that during the past history of our State elective offices there have been certain office holders who have held offices of trust and emolument under the state laws of Texas and during their term of office, they neglected their duties to the State and to the citizens who elected them thereto by devoting the majority of their time and effort in trying to obtain some other elective office, and thereby neglected the duties imposed upon them by law, creates an emergency and an imperative necessity that the Constitutional Rule requiring that bills be read upon three several days in both Houses be suspended, and it is hereby suspended, and this law shall take effect and be in force from and after its passage, and it is so enacted.

(Mr. Morris in the Chair.)

Mr. Alsup offered the following amendment to the amendment by Mr. McAlister:

Amend McAlister amendment by providing that the provisions of this Act shall not be in force and effect until June 29th, 1941.

The amendment by Mr. Alsup was adopted.

(Speaker in the Chair.)

Mr. Manning moved the previous question on the pending amendment and the engrossment of House Bill No. 692, and the main question was ordered.

Question recurring on the amendment by Mr. McAlister, it was lost.

House Bill No. 692 was then passed to engrossment.

### HOUSE BILL NO. 692 ON THIRD READING

Mr. Daniel moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 692 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

|              |                   |
|--------------|-------------------|
| Allison      | Henderson         |
| Alsup        | Hileman           |
| Avant        | Hobbs             |
| Bailey       | Howard            |
| Baker        | Hoyo              |
| Benton       | Humphrey          |
| Blankenship  | Hutchinson        |
| Boone        | Jones             |
| Brawner      | Kelly             |
| Bray         | Kennedy           |
| Brown        | King              |
| Bruhl        | Klingeman         |
| Bullock      | Knight            |
| Bundy        | Lehman            |
| Burkett      | Little            |
| Burnaman     | Lock              |
| Carlton      | Lucas             |
| Carrington   | McAlister         |
| Cato         | McCann            |
| Celaya       | McGlasson         |
| Chambers     | McLellan          |
| Clark        | McMurry           |
| Coker        | McNamara          |
| Colson, Mrs. | Manford           |
| Connelly     | Manning           |
| Crossley     | Markle            |
| Crosthwait   | Martin            |
| Daniel       | Matthews          |
| Davis        | Montgomery        |
| Donald       | Morris            |
| Dove         | Murray            |
| Duckett      | Nicholson         |
| Ellis        | Pace              |
| Eubank       | Parker            |
| Favors       | Price             |
| Ferguson     | Rampy             |
| Fitzgerald   | Reed of Bowie     |
| Fuchs        | Reed of Dallas    |
| Garland      | Ridgeway          |
| Goodman      | Rhodes            |
| Halsey       | Roberts           |
| Hanna        | Sallas            |
| Hardeman     | Senterfitt        |
| Hargis       | Simpson           |
| Hefin        | Skiles            |
| Helpinstill  | Smith of Atascosa |

|         |             |
|---------|-------------|
| Spacek  | Vale        |
| Stinson | Walters     |
| Stubbs  | Weatherford |
| Taylor  | White       |
| Turner  | Whitesides  |

## Nays—18

|                  |           |
|------------------|-----------|
| Bean             | Lowry     |
| Bridgers         | Lyle      |
| Craig            | McDonald  |
| Files            | Moore     |
| Gilmer           | Morgan    |
| Harris of Dallas | Pevehouse |
| Harris of Hill   | Phillips  |
| Lansberry        | Roark     |
| Love             | Stanford  |

## Absent

|                  |                  |
|------------------|------------------|
| Cleveland        | Hughes           |
| Deen             | Isaacks          |
| Dickson of Nolan | Kinard           |
| Dwyer            | Leyendecker      |
| Gandy            | Sharpe           |
| Hartzog          | Shell            |
| Howington        | Smith of Bastrop |
| Huddleston       | Spangler         |
| Huffman          |                  |

## Absent—Excused

|                  |          |
|------------------|----------|
| Allen            | Mills    |
| Anderson         | Morse    |
| Bell             | Thornton |
| Dickson of Bexar | Voigt    |
| Evans            | Wattner  |
| Kersey           | Winfree  |

The Speaker then laid House Bill No. 692 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—102

|             |              |
|-------------|--------------|
| Allison     | Chambers     |
| Alsup       | Clark        |
| Avant       | Coker        |
| Bailey      | Colson, Mrs. |
| Baker       | Connelly     |
| Bean        | Crossley     |
| Benton      | Crosthwait   |
| Blankenship | Daniel       |
| Boone       | Davis        |
| Bray        | Donald       |
| Brown       | Dove         |
| Bruhl       | Duckett      |
| Bullock     | Eubank       |
| Bundy       | Favors       |
| Burkett     | Ferguson     |
| Burnaman    | Fitzgerald   |
| Carlton     | Fuchs        |
| Carrington  | Gandy        |

|             |
|-------------|
| Garland     |
| Goodman     |
| Halsey      |
| Hanna       |
| Hardeman    |
| Hargis      |
| Hartzog     |
| Heflin      |
| Helpinstill |
| Henderson   |
| Hileman     |
| Hobbs       |
| Howard      |
| Hoyo        |
| Humphrey    |
| Hutchinson  |
| Jones       |
| Kelly       |
| Kennedy     |
| King        |
| Klingeman   |
| Knight      |
| Lehman      |
| Little      |
| Lock        |
| Lucas       |
| Lyle        |
| McAlister   |
| McCann      |
| McGlasson   |
| McLellan    |
| McMurry     |
| McNamara    |

|                   |
|-------------------|
| Manford           |
| Manning           |
| Markle            |
| Martin            |
| Matthews          |
| Morris            |
| Murray            |
| Nicholson         |
| Pace              |
| Parker            |
| Phillips          |
| Price             |
| Rampy             |
| Reed of Bowie     |
| Reed of Dallas    |
| Ridgeway          |
| Rhodes            |
| Roberts           |
| Sallas            |
| Senterfitt        |
| Simpson           |
| Skiles            |
| Smith of Atascosa |
| Spacek            |
| Stinson           |
| Stubbs            |
| Taylor            |
| Thornton          |
| Turner            |
| Vale              |
| Walters           |
| White             |
| Whitesides        |

## Nays—16

|                  |             |
|------------------|-------------|
| Bridgers         | Lowry       |
| Ellis            | McDonald    |
| Files            | Moore       |
| Gilmer           | Morgan      |
| Harris of Dallas | Pevehouse   |
| Harris of Hill   | Roark       |
| Lansberry        | Stanford    |
| Love             | Weatherford |

## Absent

|                  |                  |
|------------------|------------------|
| Brawner          | Huffman          |
| Cato             | Hughes           |
| Celaya           | Isaacks          |
| Cleveland        | Kinard           |
| Craig            | Leyendecker      |
| Deen             | Montgomery       |
| Dickson of Nolan | Sharpe           |
| Dwyer            | Shell            |
| Howington        | Smith of Bastrop |
| Huddleston       | Spangler         |

## Absent—Excused

|                  |        |
|------------------|--------|
| Allen            | Evans  |
| Anderson         | Kersey |
| Bell             | Mills  |
| Dickson of Bexar | Morse  |

Voigt  
Wattner

Winfree

#### REASON FOR VOTE

I voted against the passage of House Bill No. 692 for the reason that I believe that this bill attempts to provide qualifications of a candidate in addition to those named in the Constitution. In other words, this bill represents an effort to amend the Constitution.

ELLIS.

#### HOUSE BILL NO. 451 ON SECOND READING

On motion of Mr. Boone, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 451.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 451, A bill to be entitled "An Act providing for a juvenile court in each county of the State in the county or district courts already established; defining certain terms providing for the procedure in cases of delinquent children; manner of hearing; dispositional power of juvenile court; selection of custodial agency; providing for support of children committed to custodial agency; prescribing that records shall be confidential; permitting physical and mental examinations of children upon order of the court; prescribing places of detention; court session; cooperation; contempt; and methods of appeal; saving clause; repealing clause; and declaring effective date to be September 1, 1941."

The bill was read second time.

Mr. Boone offered the following committee amendment to the bill:

Amend House Bill No. 451 by striking out all below the enacting clause and inserting in lieu thereof the following:

Be It Enacted by the Legislature of the State of Texas:

Section 1. Purpose and Basic Principle. The purpose of this Act is to secure of each child under its jurisdiction such care, guidance and

control, preferably in his own home, as will serve the child's welfare and the best interests of the State; and when such a child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents.

The principle is hereby recognized that children under the jurisdiction of the court are wards of the State, subject to the discipline and entitled to the protection of the State, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them.

Sec. 2. Construction of the Act. This Act shall be liberally construed to accomplish the purpose herein sought.

Sec. 3. Definitions. The word "court" means the juvenile court. The term "delinquent child" means any child over the age of ten (10) years and under the age of eighteen (18) years

(a) who has violated any law of the State or any ordinance or regulation of a subdivision of the State.

(b) who by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian, or custodian.

(c) who is habitually truant from school or home.

(d) who habitually so deports himself as to injure or endanger the morals or health of himself or others.

(e) who knowingly associates with vicious and immoral persons.

Sec. 4. Establishment of Juvenile Courts. There is hereby established as follows in each county of the State a court of record to be known as the juvenile court, having such jurisdiction as may be necessary to carry out the provisions of this Act. In counties having juvenile boards, such boards may designate either the county court or the district court to be the juvenile court for such county. In all other counties the district court or the county court shall be the juvenile court as agreed between the judges of such respective court but until such time and except during the period of such agreement such county court and district court shall have concurrent

jurisdiction in cases of children coming within the terms of this Act.

Sec. 5. Jurisdiction. The juvenile court shall have exclusive original jurisdiction in proceedings governing any "delinquent child," and such court shall be deemed in session at all times.

Nothing contained herein shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when such custody is incidental to the determination of causes pending in such courts.

When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes twenty-one years of age unless discharged prior thereto.

Sec. 6. Transfer. Transfer of case from one juvenile court to another juvenile court where a child under the jurisdiction of one juvenile court has moved from one county to another, and where it is to the best interest of such child so to do, the court having jurisdiction in the first instance may transfer the case to the juvenile court of the county in which the child is presently residing and shall send transcripts of records to the judge of the other court.

Sec. 7. Information; Investigation; Petition. Any person may, and any peace officer shall, give to the juvenile court or to the probation officer of the county information in his possession that a child is within the provisions of this Act. Thereupon the court shall make or have made preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Whenever practicable such inquiry shall include a preliminary investigation of the home and environment situation of the child, his previous history, and the circumstances of the condition alleged. If the court shall determine that formal jurisdiction should be acquired, it may authorize a petition to be filed. The proceeding shall be entitled "In the matter of \_\_\_\_\_, a child over the age of ten (10) years and under the age of eighteen (18) years.

The petition shall be verified, alleging briefly the facts which bring

said child within the provisions of this Act, and stating: (1) the name, age and residence of the child; the name and residences (2) of his parents, (3) of his legal guardian, if there be one; (4) of the person or persons having custody or control of the child, and (5) of the nearest known relative, if no parent or guardian can be found. If any of the facts herein required are not known by the petitioners, the petition shall so state.

Sec. 8. Summons; Notice; Custody of the Child. After a petition shall have been filed and after such further investigation as the court may direct, unless the parties hereinafter named shall voluntarily appear, the court shall issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned shall be other than the parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may cause to be endorsed upon the summons an order that the officer serving the same shall at once take the child into custody.

Sec. 9. Service of Summons; Traveling Expenses. Service of summons shall be made personally by a probation officer or peace officer by the delivery of attested copies thereof to the parent, guardian, or person having custody of the child who is summoned; provided, that jurisdiction may be obtained by the court if the court is satisfied that said officer has made diligent effort to locate such person or persons and has been unsuccessful in locating said persons. It shall be sufficient to confer jurisdiction if service is effected at least

two days before the time fixed in the summons for the return thereof.

Sec. 10. Failure to Obey Summons; Warrant. If any person summoned as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the judge that the service will be ineffectual or the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued against the child himself.

Sec. 11. Release of Child Taken into Custody. Whenever any officer takes a child into custody, he may release said child to a parent, guardian, or any other person upon receipt of a written or oral promise of said person to assume complete responsibility for said child and to have him before the probation office or the court at any time when or subsequently specified by said officer. If not so released, such child shall be placed in the custody of a probation officer or other person designated by the court or be taken immediately to the probation department, the court, or to the place of detention designated by the court. The court may make a general order designating such places of detention which may include private foster or boarding homes for children, or such other places of detention which to the court seem desirable. The county commissioners' court may pay for boarding or foster home care for such children to be detained or all children coming within the meaning of this Act whether prior to or after the child has been adjudged a "delinquent child."

Nothing in this Act shall be construed as forbidding or limiting any peace officer or probation officer from immediately taking into custody any child who is found violating any law or ordinance or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, welfare or morals. In every such case the said officer taking the child into custody shall immediately report the fact to the court or to the probation depart-

ment and the case shall then be proceeded with as provided in this Act, provided that no such child shall be taken before a police court or a justice of peace court.

Sec. 12. Transfer from other Courts. If during the pendency of a criminal charge against any person in any other court, it shall be ascertained that said person was under the age of eighteen (18) years at the time of trial for the alleged offense, it shall be the duty of such court to transfer such case immediately, together with all the papers, documents and testimony connected therewith, to the juvenile court. The court making such transfer shall order the child to be taken forthwith to the place of detention designated by the juvenile court or to that court itself or release such child in the custody of a probation officer or some suitable person to appear before the juvenile court at a time designated. The juvenile court shall thereupon proceed to hear and dispose of such case in the same manner as if it had been instituted in that court in the first instance.

Sec. 13. Hearing, Judgment. The court may conduct the hearing in an informal manner and may adjourn the hearing from time to time. In the hearing of any case the general public shall be excluded and only such persons admitted as have a direct interest in the case. All cases involving children shall be heard separately and apart from the trial of cases against adults.

If the court shall find that the child is delinquent, or otherwise within the provisions of this Act, it may by order duly entered proceed as follows:

(1) Place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court shall determine:

(2) Commit the child to a suitable public institution or agency or to a suitable private institution or agency authorized to care for children or to place them in suitable family homes or parental homes for an indeterminate period of time, not extending beyond the time the child shall reach the age of twenty-one (21) years.

(3) Make such further disposi-

tion as the court may deem to be the best for the best interests of the child, except as herein otherwise provided.

No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of a crime in any court. The disposition of a child or any evidence given in this court shall not be admissible as evidence against the child in any case or proceeding in any other court other than another juvenile court, nor shall such disposition or evidence operate to disqualify a child in any future civil service examination, appointment, or application.

Whenever the court shall commit a child to any institution or agency, it shall transmit with the order of commitment a summary of its information concerning such child, together with a copy of the petition.

Sec. 14. Modification of Judgment, Return of Child to Parents. An order of commitment made by the court in the case of a child shall be subject to modification or revocation from time to time.

A parent, guardian, or next friend of a child who has been committed by the court to the custody of an institution, agency or person, may at any time file with the court a verified petition, stating that such institution, agency, or person has denied application for the release of the child or has failed to act upon such application within a reasonable time. If the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parent or guardian or be retained in the custody of the institution, agency or person; and may direct such institution, agency or person to make such other arrangement for the child's care and welfare as the circumstances of the case may require; or the court may make a further order or commitment.

Sec. 15. Support of Child to a

Custodial Agency. Whenever a child is committed by the court to custody other than that of its parent, and no provision is otherwise made by law for the support of such child, compensation for the care of such child, when approved by order of the court, may be a charge upon the county. But the court may, after giving the parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the court may direct, such sum as will cover in whole or in part the support of such child, and if such parent shall wilfully fail or refuse to pay such sum, he may be proceeded against as provided by law for cases of desertion or failure to provide subsistence.

Sec. 16. Records. Juvenile court records shall not be inspected by persons other than probation officers unless otherwise directed by the court. The identification of children coming before the court shall not be published in any newspaper or other writing, provided, however, that a copy of the petition and other factual information of the child shall be sent to a State Institution, if committed to such institution as provided in Section 13.

Under a uniform plan of reporting, every court shall report or have reported periodically such statistical information as requested by the State Department of Public Welfare.

Sec. 17. Physical and Mental Examination. The court may cause any person coming under its jurisdiction to be examined by a physician, psychiatrist, or psychologist, appointed by the court.

Whenever a child concerning whom a petition has been filed appears to be in need of medical or surgical care, the court may order the parent, guardian or custodian to provide treatment for such a child in a hospital or otherwise. If such parent, guardian or custodian fails to provide such care, the court may after due notice, enter an order therefor and the expense thereof, when approved by the court, shall be a charge upon the county but the court may adjudge that the person or persons having the duty under the law to support such child pay part or all of the expenses of

such treatment in the manner provided in Section 15 of this Act.

If it shall appear that any child concerning whom a petition has been filed is mentally defective or mentally disordered, the court, before committing him to an institution, shall cause such child to be examined by one or more qualified physicians and on their written statement that such child is mentally defective or mentally disordered, the court may commit such child to an appropriate institution authorized by law to receive and care for such children. The parent, guardian or custodian shall be given due notice of any proceedings hereunder.

Sec. 18. Place of Detention. No child under eighteen (18) years of age shall be placed in or committed to any prison, jail or lockup or any compartment of said prison, jail or lockup in which persons over juvenile age are being detained but shall be placed in a room or ward separate from that occupied by adults. The proper authorities of all counties shall provide a suitable place of detention for such juveniles separate and apart from any compartment of any jail or lockup in which adults are confined.

Sec. 19. Court Sessions. Sessions of the court shall be held at such places throughout the county as the judge shall from time to time determine. Suitable quarters shall be provided by the commissioners' court of each county for the hearing of cases and for the use of the judge, the probation officers and other employees of the court.

Sec. 20. Cooperation. It is hereby made the duty of every county, town or municipal official or department to render all assistance and cooperation within his or its jurisdictional power which may further the objects of this Act. All institutions or agencies to which this court sends any child are hereby required to give to the court or to any officer appointed by it such information concerning such child as said court or officer may require. The court is authorized to seek the cooperation of all societies or organizations having for their object the protection of aid of all children.

Sec. 21. Contempt. Any person who wilfully violates, neglects or

refuses to obey or perform any order of the court may be proceeded against for contempt.

Sec. 22. Appeals. An appeal directly to the Supreme Court may be taken by the party aggrieved in the manner provided by law or by rule of court for appeals in the county court cases. Written notice of appeal shall be filed with the juvenile court within five days after the entering of the order. An appeal, with or without bail, in the case of a child, shall not suspend the order of the juvenile court, nor shall it discharge the child from the custody of that court or of the person, institution or agency to whose care such child shall have been committed, unless that court shall so order. If the Supreme Court does not dismiss the proceedings and discharge of the child, it shall affirm or modify the order of the juvenile court and remand the child to the jurisdiction of the juvenile court for supervision and care, and thereafter the child shall be and remain under the jurisdiction of the juvenile court in the same manner as if such court had made said order without an appeal having been taken.

Sec. 23. Constitutionality. If any section, subdivision or clause of this Act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of the Act.

Sec. 24. Laws Repealed. Code of Criminal Procedure of the State of Texas, Articles 1084, 1085, 1086, 1088, 1089, 1090, 1091, 1092, 1093 and Article 1087, as amended, Acts 1927, 40th Legislature, chapter 163, Section 1, are hereby repealed. Acts 1937, 45th Legislature page 1328, Chapter 492, Section 1, is hereby repealed. Article 2338, Revised Civil Statutes of Texas, 1925, Volume 1, page 622, is hereby repealed; and all laws and parts of laws in conflict herewith are also repealed.

Sec. 25. Time of Taking Effect. This Act shall become effective on the first day of September, 1941.

The committee amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all

changes and with the body of the bill.

House Bill No. 451 was then passed to engrossment.

### HOUSE BILL NO. 451 ON THIRD READING

Mr. Boone moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 451 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—102

|                |                |
|----------------|----------------|
| Allison        | Hartzog        |
| Alsup          | Helpinstill    |
| Avant          | Henderson      |
| Bailey         | Hileman        |
| Baker          | Hobbs          |
| Bean           | Howard         |
| Benton         | Humphrey       |
| Blankenship    | Hutchinson     |
| Boone          | Jones          |
| Brawner        | Kelly          |
| Bray           | Kennedy        |
| Bridgers       | King           |
| Brown          | Knight         |
| Bruhl          | Lansberry      |
| Bullock        | Lehman         |
| Burkett        | Little         |
| Burnaman       | Lock           |
| Carlton        | Love           |
| Carrington     | Lucas          |
| Cato           | Lyle           |
| Celaya         | McAlister      |
| Chambers       | McCann         |
| Clark          | McDonald       |
| Coker          | McLellan       |
| Colson, Mrs.   | McMurry        |
| Connelly       | Manford        |
| Crossley       | Manning        |
| Crosthwait     | Markle         |
| Daniel         | Martin         |
| Dove           | Matthews       |
| Duckett        | Moore          |
| Ellis          | Morgan         |
| Eubank         | Morris         |
| Favors         | Pace           |
| Ferguson       | Parker         |
| Files          | Phillips       |
| Fitzgerald     | Price          |
| Gandy          | Rampy          |
| Garland        | Reed of Bowie  |
| Goodman        | Reed of Dallas |
| Halsey         | Ridgeway       |
| Hanna          | Rhodes         |
| Hargis         | Roberts        |
| Harris of Hill | Senterfitt     |

|                   |             |
|-------------------|-------------|
| Simpson           | Thornton    |
| Skiles            | Turner      |
| Smith of Atascosa | Vale        |
| Spacek            | Walters     |
| Stanford          | Weatherford |
| Stinson           | White       |
| Taylor            | Whitesides  |

#### Nays—10

|          |           |
|----------|-----------|
| Davis    | Klingeman |
| Fuchs    | McGlasson |
| Gilmer   | McNamara  |
| Hardeman | Murray    |
| Heflin   | Nicholson |

#### Absent

|                  |                  |
|------------------|------------------|
| Bundy            | Isaacks          |
| Cleveland        | Kinard           |
| Craig            | Leyendecker      |
| Deen             | Lowry            |
| Dickson of Nolan | Montgomery       |
| Donald           | Pevehouse        |
| Dwyer            | Roark            |
| Harris of Dallas | Sallas           |
| Howington        | Sharpe           |
| Hoyo             | Shell            |
| Huddleston       | Smith of Bastrop |
| Huffman          | Spangler         |
| Hughes           | Stubbs           |

#### Absent—Excused

|                  |         |
|------------------|---------|
| Allen            | Mills   |
| Anderson         | Morse   |
| Bell             | Voigt   |
| Dickson of Bexar | Wattner |
| Evans            | Winfree |
| Kersey           |         |

The Speaker then laid House Bill No. 451 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—101

|             |              |
|-------------|--------------|
| Allison     | Burkett      |
| Alsup       | Burnaman     |
| Avant       | Carlton      |
| Bailey      | Carrington   |
| Baker       | Cato         |
| Bean        | Celaya       |
| Benton      | Chambers     |
| Blankenship | Coker        |
| Boone       | Colson, Mrs. |
| Brawner     | Connelly     |
| Bray        | Crossley     |
| Bridgers    | Crosthwait   |
| Brown       | Daniel       |
| Bruhl       | Dove         |
| Bullock     | Duckett      |



|                |                   |
|----------------|-------------------|
| Ellis          | McLellan          |
| Eubank         | McMurry           |
| Favors         | Manford           |
| Ferguson       | Manning           |
| Files          | Markle            |
| Fitzgerald     | Martin            |
| Gandy          | Matthews          |
| Garland        | Moore             |
| Goodman        | Morgan            |
| Halsey         | Morris            |
| Hanna          | Pace              |
| Hargis         | Parker            |
| Harris of Hill | Phillips          |
| Hartzog        | Price             |
| Helpinstill    | Rampy             |
| Henderson      | Reed of Bowie     |
| Hileman        | Reed of Dallas    |
| Hobbs          | Ridgeway          |
| Howard         | Rhodes            |
| Humphrey       | Roberts           |
| Hutchinson     | Senterfitt        |
| Jones          | Simpson           |
| Kelly          | Skiles            |
| Kennedy        | Smith of Atascosa |
| King           | Spacek            |
| Knight         | Stanford          |
| Lansberry      | Stinson           |
| Lehman         | Taylor            |
| Little         | Thornton          |
| Lock           | Turner            |
| Love           | Vale              |
| Lucas          | Walters           |
| Lyle           | Weatherford       |
| McAlister      | White             |
| McCann         | Whitesides        |
| McDonald       |                   |

## Nays—10

|          |           |
|----------|-----------|
| Davis    | Klingeman |
| Fuchs    | McGlasson |
| Gilmer   | McNamara  |
| Hardeman | Murray    |
| Heflin   | Nicholson |

## Absent

|                  |                  |
|------------------|------------------|
| Bundy            | Isaacks          |
| Clark            | Kinard           |
| Cleveland        | Leyendecker      |
| Craig            | Lowry            |
| Deen             | Montgomery       |
| Dickson of Nolan | Pevhouse         |
| Donald           | Roark            |
| Dwyer            | Sallas           |
| Harris of Dallas | Sharpe           |
| Howington        | Shell            |
| Hoyo             | Smith of Bastrop |
| Huddleston       | Spangler         |
| Huffman          | Stubbs           |
| Hughes           |                  |

## Absent—Excused

|          |                  |
|----------|------------------|
| Allen    | Bell             |
| Anderson | Dickson of Bexar |

|        |         |
|--------|---------|
| Evans  | Voigt   |
| Kersey | Wattner |
| Mills  | Winfree |
| Morse  |         |

Mr. Simpson moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 983 ON  
THIRD READING

Mr. Reed of Bowie moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 983 be placed on its third reading and final passage.

The roll of the House was called and the vote announced as follows: yeas, 91; nays, 18.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

## Yeas—90

|              |             |
|--------------|-------------|
| Allison      | Fuchs       |
| Alsup        | Gandy       |
| Avant        | Gilmer      |
| Baker        | Goodman     |
| Bean         | Halsey      |
| Benton       | Hanna       |
| Brawner      | Hardeman    |
| Brown        | Hartzog     |
| Bruhl        | Heflin      |
| Bullock      | Helpinstill |
| Bundy        | Henderson   |
| Burkett      | Hileman     |
| Burnaman     | Howard      |
| Carrington   | Hoyo        |
| Cato         | Humphrey    |
| Celaya       | Jones       |
| Chambers     | Kelly       |
| Coker        | Kennedy     |
| Colson, Mrs. | Knight      |
| Connelly     | Lehman      |
| Crossley     | Little      |
| Crosthwait   | Lock        |
| Daniel       | Love        |
| Davis        | Lucas       |
| Donald       | Lyle        |
| Dove         | McAlister   |
| Duckett      | McCann      |
| Ellis        | McGlasson   |
| Ferguson     | McMurry     |
| Fitzgerald   | McNamara    |

|                |             |
|----------------|-------------|
| Manning        | Rhodes      |
| Martin         | Roberts     |
| Montgomery     | Sallas      |
| Moore          | Simpson     |
| Morris         | Skiles      |
| Murray         | Spacek      |
| Nicholson      | Stanford    |
| Pace           | Stinson     |
| Parker         | Taylor      |
| Pevehouse      | Turner      |
| Phillips       | Vale        |
| Price          | Walters     |
| Rampy          | Weatherford |
| Reed of Bowie  | White       |
| Reed of Dallas | Whitesides  |

## Nays—17

|                  |                   |
|------------------|-------------------|
| Bailey           | Lansberry         |
| Bray             | Lowry             |
| Carlton          | McDonald          |
| Craig            | Markle            |
| Favors           | Matthews          |
| Harris of Dallas | Senterfitt        |
| Harris of Hill   | Smith of Atascosa |
| Hutchinson       | Thornton          |
| King             |                   |

## Absent

|                  |                  |
|------------------|------------------|
| Blankenship      | Hughes           |
| Boone            | Isaacks          |
| Bridgers         | Kinard           |
| Clark            | Klingeman        |
| Cleveland        | Leyendecker      |
| Deen             | McLellan         |
| Dickson of Nolan | Manford          |
| Dwyer            | Morgan           |
| Eubank           | Ridgeway         |
| Files            | Roark            |
| Garland          | Sharpe           |
| Hargis           | Shell            |
| Hobbs            | Smith of Bastrop |
| Howington        | Spangler         |
| Huddleston       | Stubbs           |
| Huffman          |                  |

## Absent—Excused

|                  |         |
|------------------|---------|
| Allen            | Mills   |
| Anderson         | Morse   |
| Bell             | Voigt   |
| Dickson of Bexar | Wattner |
| Evans            | Winfree |
| Kersey           |         |

The Speaker announced that the motion to suspend the rules prevailed.

The Speaker then laid House Bill No. 983 before the House on third reading and final passage.

The bill was read third time.

Mr. Carlton moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

The motion was lost.

Mr. Hartzog asked unanimous consent to correct the amendment heretofore offered by himself so as to make the amendment apply to section 4 as well as section 3.

There was no objection offered and it was so ordered.

House Bill No. 983 was then passed by the following vote:

## Yeas—89

|                  |                |
|------------------|----------------|
| Allison          | Kelly          |
| Alsup            | Kennedy        |
| Avant            | Lansberry      |
| Baker            | Lehman         |
| Bean             | Little         |
| Benton           | Lock           |
| Blankenship      | Love           |
| Boone            | Lucas          |
| Brawner          | Lyle           |
| Bridgers         | McAlister      |
| Bruhl            | McCann         |
| Bullock          | McGlasson      |
| Carrington       | McLellan       |
| Cato             | McMurry        |
| Celaya           | McNamara       |
| Clark            | Manford        |
| Colson, Mrs.     | Manning        |
| Crossley         | Martin         |
| Crosthwait       | Montgomery     |
| Daniel           | Morris         |
| Davis            | Murray         |
| Donald           | Pace           |
| Dove             | Parker         |
| Duckett          | Phillips       |
| Ellis            | Price          |
| Eubank           | Rampy          |
| Ferguson         | Reed of Bowie  |
| Fitzgerald       | Reed of Dallas |
| Fuchs            | Ridgeway       |
| Gandy            | Rhodes         |
| Gilmer           | Roark          |
| Goodman          | Roberts        |
| Halsey           | Sallas         |
| Hanna            | Simpson        |
| Hardeman         | Spacek         |
| Hargis           | Stanford       |
| Harris of Dallas | Stinson        |
| Hartzog          | Taylor         |
| Heflin           | Thornton       |
| Henderson        | Turner         |
| Hileman          | Vale           |
| Howard           | Weatherford    |
| Hoyo             | White          |
| Humphrey         | Whitesides     |
| Jones            |                |

## Nays—21

|                |                   |
|----------------|-------------------|
| Bailey         | Hutchinson        |
| Bray           | King              |
| Burkett        | Lowry             |
| Burnaman       | Markle            |
| Carlton        | Matthews          |
| Coker          | Moore             |
| Connelly       | Senterfitt        |
| Craig          | Skiles            |
| Favors         | Smith of Atascosa |
| Files          | Walters           |
| Harris of Hill |                   |

## Absent

|                  |                  |
|------------------|------------------|
| Brown            | Isaacks          |
| Bundy            | Kinard           |
| Chambers         | Klingeman        |
| Cleveland        | Knight           |
| Deen             | Leyendecker      |
| Dickson of Nolan | McDonald         |
| Dwyer            | Morgan           |
| Garland          | Nicholson        |
| Helpinstill      | Pevhouse         |
| Hobbs            | Sharpe           |
| Howington        | Shell            |
| Huddleston       | Smith of Bastrop |
| Huffman          | Spangler         |
| Hughes           | Stubbs           |

## Absent—Excused

|                  |         |
|------------------|---------|
| Allen            | Mills   |
| Anderson         | Morse   |
| Bell             | Voigt   |
| Dickson of Bexar | Wattner |
| Evans            | Winfree |
| Kersey           |         |

Mr. Montgomery moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Morgan moved to suspend the Rules for the purpose of making a motion to reconsider the vote by which House Bill No. 983 was passed.

The motion to suspend the Rules was lost.

ADDITIONAL SIGNERS OF  
HOUSE BILLS

By unanimous consent of the House, the following members were authorized to sign bills as co-authors of same, as follows:

Mr. Simpson: House Bill No. 451.

Mr. Cato, Mr. Bean, and Mr. Klingeman: House Bill No. 692.

## HOUSE BILL ON FIRST READING

Mr. Morris asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1044.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the Appropriate Committee, as follows:

By Mr. Morris, Mr. Taylor, Mr. Gilmer, Mr. Little, and Mr. Boone:

H. B. No. 1044, A bill to be entitled "An Act requiring all persons who are by law agents of the State for the collection of any bonus, rental, or royalty on land, or who are agents of the State for the collection of any tax, fee or commission imposed by law, to obey the instructions, rules and regulations promulgated in the one instance by the Commissioner of the General Land Office and in the other instance by the Comptroller of Public Accounts of the State of Texas; imposing personal liability with penalty for failure so to do, providing for suit to enforce liability, absolving those who comply with such rules from liability, and declaring an emergency."

Referred to Committee on State Affairs.

## ADJOURNMENT

Mr. Carlton moved that the House adjourn until 10:00 a. m. tomorrow.

Mr. Favors moved that the House adjourn until 2:00 o'clock p. m. tomorrow.

The motion of Mr. Carlton prevailed and the House accordingly at 10:15 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and resolutions, as follows:

Rules: House Bill No. 1039.

Constitutional Amendments:  
House Joint Resolution No. 40.

Highways and Motor Traffic: Senate Bill No. 301.

Oil, Gas and Mining: Senate Bill No. 33.

State Affairs: House Bills Nos. 888 and 985; Senate Bills Nos. 122, 276 and 462; House Concurrent Resolutions Nos. 116, 117, 124, 128, 130, 133 and 135.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 930, A bill to be entitled "An Act making certain appropriations to the Adjutant General's Department incident to the support of the Texas Defense Guard; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

SMITH of Bastrop, Vice Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 148, Inviting Mr. H. V. Kaltenborn to address a Joint Session of the Legislature on May 28.

Has carefully compared same and finds it correctly engrossed.

SMITH of Bastrop, Vice Chairman.

Austin, Texas, May 15, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 147, Authorizing the Enrolling Clerk to make certain changes in House Bill No. 903.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 7, A bill to be entitled "An Act to aid the City of Port Lavaca in constructing and maintaining revetments, and in the restoring, protection and improvement of the harbor and bay shore front of the City of Port Lavaca, and for the purchase, by condemnation or otherwise of all lands necessary for said bay shore front and harbor improvements, all for public use, by donating to said City of Port Lavaca the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Calhoun County, State of Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misappropriation of funds raised therefor; and to declare an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1039, A bill to be entitled "An Act defining and limiting the term 'intrastate business' as used in Article XIV, House Bill No. 8, Acts of the Regular Session, Forty-seventh Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 268, A bill to be entitled "An Act to provide for the establishment of a State Cancer Hospital for

the treatment of cancer and allied diseases and shall be known as the Clyde F. Lingo Memorial Hospital for Cancer; and providing herein the Governor of the State of Texas shall appoint a Cancer Commission of three (3) citizens of the State and their appointments shall be four (4) years; and providing herein for the appointment of an Administrator and a staff to conduct said Cancer Hospital; and their appointments shall be for four (4) years; and providing herein for the appointment of an Advisory Board of nine (9) citizens consisting of one attorney, one civil engineer, one ordained minister, one business manager and five (5) physicians; . . . and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 21, "An Act amending Section 4 of Chapter 478 of the Regular Session of the Forty-fifth Legislature, 1937, same being House Bill No. 144; providing for an appropriation from the Architects Registration Fund to pay salaries, compensations, and other salaries, compensations, and other expenses of the Board of Architectural Examiners; providing certain excess funds to be diverted to the General Revenue Fund of the State; providing salary of the Secretary-Treasurer and certain compensations to other members of said Board; providing the number of employees and the salaries of each shall be as fixed in the Biennial Departmental Appropriation Bill; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 76, "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1940, due the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State, provided same are paid on or before November 1, 1941; and providing further that this Act releasing penalties and interest shall not apply to cities, towns, and villages, and special school districts, and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof, and such governing body has adopted a resolution or ordinance evidencing such finding, and upon the recording of such findings of fact shall have the authority to put in force and effect the provisions hereof as to any such city, town, or village, or special school district, or independent school district; providing for the release of costs under certain circumstances; providing that anyone desiring to pay at one time delinquent taxes for one year only wherein such taxes are delinquent for more than one year shall have the right to do so without remission of penalties and interest; providing that any person availing themselves of the provisions of this Act; conditioned that a six per cent (6%) penalty on the total amount delinquent be paid on such property shall be required to pay all delinquent ad valorem taxes due the State and county on any specific piece of property on which such taxes are delinquent before receiving the benefits

of this Act; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing that if any section, clause, sentence, paragraph, or part of the Act be judged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of the Act; stating the policy of the Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 218, "An Act amending Section 4 of Senate Bill No. 259, same being Section 4 of Chapter 446, Regular Session of the Forty-fifth Legislature, 1937, to provide a hearing as to the sanity or sobriety of any person who has previously been declared to be of unsound mind or any habitual drunkard; permitting the County Judge or a jury to pass upon such question of sanity or sobriety and providing for the discharge of such person if found to be sane or of sober habits; providing for the return by the guardian to the former ward such estate as remains in his hands; providing for appellate proceedings from the County Court to the District Court and giving to such District Court final jurisdiction in proceedings instigated under this Act; providing that such person tried under this Act and found to be of unsound mind or an habitual drunkard shall not be tried again for six (6) months; providing that this Act shall be cumulative of certain Articles of the Revised Civil Statutes of Texas of 1925; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 263, "An Act to amend Article 4742 of Chapter 3 of Title 78, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 305, "An Act amending Sections 3, 4 and 6, Chapter 21, General and Special Laws, Forty-third Legislature of Texas, Second Called Session, which amended Sections 4, 5 and 8, Chapter 241, General Laws of the Forty-third Legislature of Texas, Regular Session, providing for the reduction of promoter's license fees and bond in cities of less than twenty-five thousand (25,000) population; providing for the appointment of a referee for a single bout by a deputy boxing commissioner, and fixing the fee therefor; providing for similar appointment of seconds, timekeepers, and other local officials for no license fee; providing for a thirty-day boxers' license and fixing the fee therefor; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 332, "An Act to amend Articles 120, 124, 126, and 128 of Chapter 7, Title 4 of the Revised Civil Statutes of Texas, 1925. Said Article 120 is hereby amended to include the following named dangerous, contagious plant diseases, "peach mosaic" and "phony peach"; Article 124 is hereby amended to include the right of appeal, period in which may be taken, procedure subsequent to appeal and in absence of appeal, and a method of enforcing orders and notices of the Commissioner through cooperation with county authorities, and providing

penalties; Article 126 is hereby amended to provide a method of inspection and examination and payment therefor, a method of certification and prohibiting sale or transfer of certificates, and providing that no certificate shall issue except on fee paid; Article 128 is hereby amended to provide a method of issuance of importation certificates and a schedule of fees for issuance thereof; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 378, "An Act making appropriations to pay the Presidential Electors of Texas; providing how it shall be made; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 431, "An Act making it unlawful to sell tickets to any sports event, amusement, or entertainment in Texas for which an admission charge is made, in excess of the purchase price of the ticket appearing thereon, without having procured a license therefor from the Comptroller of Public Accounts of the State of Texas; prohibiting the granting of any such license to any firm, partnership, association, or corporation in the name of such; providing the procedure for the securing of a license and the license fee therefor; providing for deposit of said fees into State General Fund; prescribing penalties; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 494 "An Act authorizing the Commisisoners Court of any county having a population of not less than sixty thousand (60,000) and not more than eighty thousand (80,000), and in all counties in this State having a population of not less than twenty-two thousand (22,000) or more than twenty-three thousand (23,000) inhabitants, according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery, or equipment belonging to said County to be used exclusively upon land belonging to such owner situated in said County, in the construction of terraces, dikes, and ditches for the purposes of said conservation and soil erosion prevention and for the purpose of constructing water tanks and reservoir; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 538, "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas of the sum of Twenty-six Thousand, One Hundred Twenty-three Dollars and Thirteen Cents (\$26,123.13) not otherwise appropriated, to cover the payment of taxes on State Prison Farm lands located in Fort Bend and Brazoria Counties now due and unpaid, exclusive of penalties and interest, by the State of Texas to said Counties and to the Independent School Districts in which said lands are located, for the years 1939 and 1940 and to become due for the years 1941 and 1942; authorizing payment of said taxes by the Comptroller of Public Accounts upon proper statements; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 542, "An Act providing an open season on quail on Mondays, Wednesdays, and Fridays during the period December 1st to January 16th in Hopkins, Delta, and Franklin Counties; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency and the effective date of this Act."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 738, "An Act to amend Article 177 of Title 4, Chapter 1, of the Code of Criminal Procedure of Texas, 1925, to include in said Article 177 the offense of conversion by an executor, administrator, or guardian having charge of any estate, real, personal, or mixed; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 854, "An Act authorizing independent school districts, upon the order of their trustees, with the consent of the State Superintendent of Public Instruction, to execute an oil and/or gas lease, or sell, exchange, and convey the minerals, or any part thereof, belonging to said school district, and to apply any proceeds to the sinking fund account of such district, if there be outstanding bonds therein, otherwise to the pur-

chase of necessary ground or to the building or repairing of schoolhouses, or to the credit of the local maintenance school fund of the district; and all sales or leases of minerals theretofore made by any district in substantial compliance with the provisions hereof shall not be invalid by reason of any lack of authority to make and enter into such sales and leases; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 875, "An Act to amend Section 8-A, Senate Bill No. 21, Chapter 2, General Laws of the Forty-sixth Legislature, Regular Session, 1939, which said Senate Bill No. 21 amended Chapter 482, General and Special Laws, Forty-fourth Legislature, Third Called Session; defining terms; authorizing certain determinations by the Commission with respect to seasonal employment; providing the effective date of the Act and for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 900, "An Act to amend Senate Bill No. 220, Chapter 354, Acts of the Regular Session of the Forty-second Legislature, page 844, by adding a new section thereto to be known as Section 3a following Section 3, so as to authorize expenses in the investigation of crime and an allowance of four (4) Cents a mile for each mile traveled, to the Criminal District Attorney in counties operating under such Act; providing that such expenses shall be paid by the Commissioners' Court as



other expenses are paid; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 939, "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas operating under the provisions of the General Laws of Texas and having a population of more than five thousand (5,000) in the issuance and sale of bonds to aid in financing certain public improvements for which a loan or grant has been made by any agent or agency of the United States Government, including election orders, notices of elections, returns of elections, and orders canvassing election returns, including among others, instances wherein there have been irregularities in the giving of notices of elections, notwithstanding the fact that the notice of election was not published on the same day in each of two successive weeks; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 89, Granting W. D. Muncy and wife, Flora K. Muncy, permission to sue the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 91, Authorizing the State Board of Control to execute to the City of Austin certain easements.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 106, Granting an easement for street, and highway purposes to the City of Austin.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 114, Requesting the State Board of Control to investigate the matter of using paper manufactured from cotton which is purchased for State use.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 131, Authorizing W. F. Howell and wife, Parker County, Texas, to sue the State of Texas for damages.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 132, Authorizing the Enrolling Clerk to make certain corrections in House Bill No. 354.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 134, Authorizing the Enrolling Clerk of the House of Representatives to make certain changes in House Bill No. 903.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 137, Authorizing the Enrolling Clerk to make correction in "Section 3" of House Bill No. 978.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 141, Inviting Gene Autry to address a Joint Session of the Texas Legislature.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 142, Suspending the Joint Rules so that the House may bring up for third reading and final passage House Bill No. 42.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 144, Granting permission to both Houses to adjourn from Thursday, May 15, 1941, until Monday, May 19, 1941.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 146, Authorizing the Enrolling Clerk to amend the caption of House Bill No. 411.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

#### SENT TO THE GOVERNOR

May 16, 1941

House Bill No. 193.

House Bill No. 900.

House Bill No. 21.

House Concurrent Resolution No. 91.

House Concurrent Resolution No. 134.

House Concurrent Resolution No. 106.

House Concurrent Resolution No. 137.

House Concurrent Resolution No. 132.

House Concurrent Resolution No. 144.

May 19, 1941

House Bill No. 542.

House Bill No. 538.

House Bill No. 354.

|   |                  |                   |
|---|------------------|-------------------|
| House Bill No. 98.  | Garland          | McMurry           |
| House Bill No. 738.   | Gilmer           | Manford           |
| House Bill No. 332.   | Goodman          | Manning           |
| House Bill No. 875.   | Halsey           | Markle            |
| House Bill No. 263.   | Hanna            | Martin            |
| House Bill No. 431.   | Hardeman         | Matthews          |
| House Bill No. 494.   | Hargis           | Montgomery        |
| House Bill No. 76.  | Harris of Dallas | Moore             |
| House Concurrent Resolution No. 131.  | Harris of Hill   | Morgan            |
| House Concurrent Resolution No. 142.  | Hartzog          | Morris            |
| House Concurrent Resolution No. 114.  | Heflin           | Morse             |
| House Concurrent Resolution No. 141.  | Helpinstill      | Murray            |
| House Concurrent Resolution No. 146.  | Henderson        | Nicholson         |
|   | Hileman          | Pace              |
|   | Hobbs            | Parker            |
|   | Howard           | Pevehouse         |
|   | Howington        | Phillips          |
|   | Hoyo             | Price             |
|   | Huddleston       | Rampy             |
|   | Huffman          | Reed of Bowie     |
|   | Hughes           | Reed of Dallas    |
|   | Humphrey         | Ridgeway          |
|   | Hutchinson       | Rhodes            |
|   | Isaacks          | Roark             |
|   | Jones            | Roberts           |
|   | Kelly            | Sallas            |
|   | Kennedy          | Senterfitt        |
|   | Kinard           | Shell             |
|   | King             | Simpson           |
|   | Klingeman        | Skiles            |
|   | Knight           | Smith of Bastrop  |
|   | Lansberry        | Smith of Atascosa |
|   | Lehman           | Spacek            |
|   | Leyendecker      | Stanford          |
|   | Little           | Stinson           |
|   | Lock             | Stubbs            |
|   | Love             | Taylor            |
|   | Lowry            | Turner            |
|   | Lucas            | Vale              |
|   | Lyle             | Walters           |
|   | McAlister        | Wattner           |
|   | McCann           | Weatherford       |
|   | McDonald         | White             |
|   | McGlasson        | Whitesides        |
|   | McLellan         | Winfree           |
|   | Absent—Excused   |                   |
|   | Anderson         | Mills             |
|   | Bell             | Sharpe            |
|   | Dwyer            | Spangler          |
|   | Kersey           | Thornton          |
|   | McNamara         | Voigt             |
| A quorum was announced present.   |                  |                   |
| Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:   |                  |                   |
| “Our Heavenly Father, as we stand before Thee in a special sense just now, we feel the need of understanding in all that we do. Because we are human we need Thee to lead |                  |                   |

## SEVENTY-FIFTH DAY

(Tuesday, May 20, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

|             |                  |
|-------------|------------------|
| Mr. Speaker | Clark            |
| Allen       | Cleveland        |
| Allison     | Coker            |
| Alsup       | Colson, Mrs.     |
| Avant       | Connelly         |
| Bailey      | Craig            |
| Baker       | Crossley         |
| Bean        | Crothwait        |
| Benton      | Daniel           |
| Blankenship | Davis            |
| Boone       | Deen             |
| Brawner     | Dickson of Bexar |
| Bray        | Dickson of Nolan |
| Bridgers    | Donald           |
| Brown       | Dove             |
| Bruhl       | Duckett          |
| Bullock     | Ellis            |
| Bundy       | Eubank           |
| Burkett     | Evans            |
| Burnaman    | Favors           |
| Carlton     | Ferguson         |
| Carrington  | Files            |
| Cato        | Fitzgerald       |
| Celaya      | Fuchs            |
| Chambers    | Gandy            |